

# U.S. Embassy to the Holy See Religious Freedom: The Cornerstone of Human Dignity

December 3, 2004  
The Pontifical Gregorian University

*“The respect of every expression of religious freedom is therefore seen to be a most effective means for guaranteeing security and stability within the family of Peoples and Nations in the 21st century.”*

*– Pope John Paul II*

People who cannot openly profess and practice their religious faith are denied an essential element of human dignity. This final conference in a series marking the 20th anniversary of full diplomatic relations between the United States of America and the Holy See will explore issues surrounding what has been called the “first freedom,” and the “foundational human right.”

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## **Conference Agenda:**

Registration and Coffee

**Welcome:** Rev. Kevin L. Flannery, SJ  
Dean of the Faculty of Philosophy, Pontifical Gregorian University

**Introduction:** H.E. Ambassador Jim Nicholson,  
U.S. Embassy to the Holy See

### **Session I:**

#### **Religious Freedom: Guarantor of Security and Stability in the 21st Century**

**Moderator:**  
Ambassador Nicholson

**Speaker:**  
H.E. Archbishop Giovanni Lajolo  
Secretary for Relations with States, The Holy See

### **Session II:**

#### **Religious Liberty: Cornerstone of Human Dignity and International Order**

**Moderator:**  
Frank J. Hanna III  
Religious Freedom Activist

**Speakers:**  
Kevin J. Hasson  
Founder and Chairman, The Becket Fund for Religious Liberty

Paolo Carozza  
Associate Professor of Law, University of Notre Dame Law School

### **Session III:**

#### **Promoting Religious Liberty: The U.S. Approach**

**Moderator:**  
John Klink  
Former Member of the Holy See Permanent Observer Mission  
to the United Nations

**Speaker:**  
H.E. Ambassador John V. Hanford III  
U.S. Ambassador at Large for International Religious Freedom

**Session IV:**

**Advocates on the Front Lines: The Role of NGOs**

**Moderator:**

Deal W. Hudson

President, Morley Publishing Group, Inc.

**Speakers:**

Joseph K. Grieboski

President, Institute on Religion and Public Policy

Attilio Tamburrini

Director for Italy, Aid to the Church in Need

**Session V:**

**Advancing Religious Freedom: Regional Perspectives**

**Moderator:**

H.E. Ambassador Darko Tanasković

Embassy of Serbia and Montenegro to the Holy See

**Speakers:**

Rev. Bernardo Cervellera, PIME

Director, AsiaNews

Rev. David-Maria A. Jaeger, OFM

Pontifical Athenaeum 'Antonianum,' Rome

Rev. Daniel A. Madigan, SJ

Pro-President, Institute for the Study of Religions and Cultures,

Pontifical Gregorian University

**Conference Wrap-up: Ambassador Nicholson**

## *Lecturers*

# “Religious Freedom: The Cornerstone of Human Dignity”

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**Paolo Carozza**, Associate Professor of Law, University of Notre Dame Law School

In addition to his position as Law Professor at the University of Notre Dame, Professor Carozza is also a faculty member of the Center for Civil and Human Rights and a fellow of the Nanovic Institute of European Studies, the Kellogg Institute for International Studies, and the Kroc Institute for International Peace Studies. He was educated at Harvard College, Cambridge University, and Harvard Law School. Before joining the faculty at Notre Dame, he was also a Ford Foundation Fellow in International Law and a Lecturer at Harvard Law School, he clerked for the Supreme Court of the Federated States of Micronesia and he worked as an attorney in the Washington, D.C. law firm of Arnold & Porter. His scholarship and teaching has combined comparative law, international law and jurisprudence, focusing particularly on the intersection of these fields in the area of human rights, and he has published two books and numerous articles on these subjects. He has taught at several foreign universities in Europe and Latin America, is a regular faculty member at the Postgraduate School of International Relations and Economics of the Catholic University of the Sacred Heart in Milan, Italy, and is currently a Fulbright Senior Lecturer at the State University of Milan, Italy.

**Rev. Bernardo Cervellera**, PIME, Missionary of the Pontifical Institute for Foreign Missions and Director, *AsiaNews*

Father Cervellera is currently the director of the press agency, AsiaNews.it, which publishes daily news about Asia in Italian, English, and Chinese. He also collaborates with and contributes to various newspapers and television programs. From 1997 until 2002, Father Cervellera was the director of FIDES, the international information agency of the Vatican, which quickly became an authoritative journalistic voice, recognized by the international media. From 1995 until 1997, he lived in Beijing and was a professor of the History of Western Civilization at the University of Beijing (Beida). In the 1980s, Father Cervellera was the vice-director of the magazine, “World and Mission,” and he traveled widely in the Middle East. His publications include: *Libano la Pace Futura* (1990); *God is on Woman’s Side* (1995); and *Missione Cina* (2003).

**Joseph K. Grieboski**, President, Institute on Religion and Public Policy

As a young American who surveyed the political landscape and recognized the need for a greater voice for religion in the policymaking process, Joseph K. Grieboski founded the Institute on Religion and Public Policy in 1999. In a very short time, he transformed the Institute into a major force in both domestic and international affairs, creating for both himself and the Institute a well-respected international reputation. With extensive

experience in American politics, international affairs, national security, and inter-religious issues, Grieboski is an expert in the role of religion in politics and American public life. Prior to founding the Institute, Grieboski held leadership posts in both the public and private sectors, and he currently serves in several leadership positions in human rights and religious freedom organizations. He is also a lecturer and weekly columnist for the Serbian newspaper *Nacional*, and he has expressed his views and expertise on national and international radio, television, print, Internet media, at international academic conferences, and before the United States Congress. A contributor to academic, religious, and political journals and magazines, Grieboski holds a Bachelor of Science degree in Foreign Service and a Master's in National Security Studies, both from Georgetown University. Aside from his work on religious issues, Grieboski is president of Grieboski International, LLP, a consulting firm focusing on political, foreign policy, and national security issues.

**H.E. Ambassador John V. Hanford III**, Ambassador at Large for International Religious Freedom

John V. Hanford III is the second United States Ambassador at Large for International Religious Freedom. President Bush nominated Mr. Hanford on November 6, 2001. After confirmation by the Senate, he was sworn in on May 2, 2002. The Ambassador at Large serves, by law, as principal advisor to the President and Secretary of State on issues of religious freedom worldwide. From 1987 to 2002, Mr. Hanford served as an expert on international religious freedom, while working on the staff of Senator Richard Lugar (R-Indiana). During this period, Mr. Hanford organized numerous efforts involving U.S. Senators and Representatives, Presidents and Secretaries of State to address some of the world's most severe problems of religious persecution. In 1998, Mr. Hanford led a team of Congressional offices in crafting the International Religious Freedom Act (IRFA) and worked with the bill's lead sponsors in guiding IRFA through the legislative process to unanimous passage in both houses of Congress. IRFA is regarded by many as one of Congress's most significant legislative achievements in the area of human rights. Prior to his work in the Senate, Mr. Hanford served in pastoral ministry on the staff of West Hopewell Presbyterian Church in Hopewell, Virginia. John V. Hanford III holds a Master of Divinity degree with high honors from Gordon-Conwell Theological Seminary. He also earned a B.A. degree in Economics with honors from the University of North Carolina at Chapel Hill, where he attended on a John Motley Morehead Scholarship. He is a native of Salisbury, North Carolina. Ambassador Hanford and his wife, Laura Bryant Hanford, have two children.

**Kevin J. Hasson**, Founder and Chairman, The Becket Fund for Religious Liberty

Kevin J. Hasson is the founder and chairman of the Becket Fund for Religious Liberty, an NGO law firm that defends the free expression of all religious traditions. Within the United States, the Becket Fund has successfully defended the rights of Catholics, Protestants, Jews, Muslims, Buddhists, Sikhs, Hindus, Native Americans and others in courts at every level. Internationally, it is defending adherents of many faiths in China, Cuba, Sri Lanka, Azerbaijan and elsewhere, both before the United Nations and the European Court of Human Rights. Together with its academic affiliate, the Becket Institute, the Becket Fund hosts an ongoing series of international conferences on the challenges posed by secularism and interfaith dialogue to an authentic understanding of religious

liberty grounded in the dignity of the human person. To date, conferences have been held in Rome, Jerusalem, Washington, D.C., and Prague (More information is available at [www.becketfund.org](http://www.becketfund.org)). Before founding the Becket Fund, Mr. Hasson was an attorney in private practice in Washington, D.C., where he focused on church-state litigation. He was, for example, one of the attorneys who successfully defended the Catholic University of America against the famous lawsuit by Fr. Charles Curran. Earlier, Mr. Hasson was in the U.S. Justice Department's Office of Legal Counsel where he advised the Reagan Administration on church-state issues. He holds a Juris Doctor, *magna cum laude*, and a Master of Arts in Theology from the University of Notre Dame.

**Rev. David-Maria A. Jaeger, OFM**, Pontifical Athenaeum 'Antonianum', Rome  
Father Jaeger was born in Tel Aviv in 1955, and is a member of the Franciscan Order's Custody of the Holy Land. He served on the Custody's executive and was its official spokesman. He teaches canon law at the Pontifical Athenaeum "Antonianum" in Rome, and is a Consultor to the Congregation for the Eastern Churches, to the Pontifical Council for Legislative Texts and to the Pontifical Council for the Family. Father Jaeger is the legal adviser to the delegation of the Holy See on the Bilateral Permanent Working Commission between the Holy See and the State of Israel, and is generally credited with having drafted both the Holy See's 1993 Fundamental Agreement with Israel and its 1997 Agreement with Israel on the legal personality of Church bodies. In the United States, Father Jaeger headed the ecclesiastical court in Austin, Texas, and now serves on the Appellate Court for the Dioceses of Texas. Before entering religious life, he had also served as The Tablet Correspondent in the Holy Land and had founded a research program on "Christianity in the Holy Land" at the Ecumenical Institute for Advanced Theological Studies in Jerusalem, as well as serving as Secretary for religious freedom issues to the United Christian Council in Israel.

**H.E. Archbishop Giovanni Lajolo**, Secretary for Relations with States, The Holy See  
Archbishop Lajolo was ordained a priest on April 29, 1960. In 1968, after working in the Diocese of Novara, Archbishop Lajolo entered the Holy See's prestigious diplomatic school, the Pontifical Ecclesiastical Academy, and obtained a doctorate in Canon Law. He entered the Holy See's foreign service in 1970. Archbishop Lajolo has served at the Nunciature in Germany and at the Holy See's Foreign Ministry. He was a professor at the Pontifical Ecclesiastical Academy from 1985 until 1989. In 1988 he was appointed Secretary of the Administration of the Patrimony of the Holy See. He was ordained an archbishop in 1989. Pope John Paul II appointed him as nuncio to Germany in 1995. On October 7, 2003, Pope John Paul II appointed Archbishop Lajolo as the Secretary of the Section for Relations with States of the Secretariat of State. Apart from his native Italian, the Archbishop speaks English, French and German.

**Rev. Daniel A. Madigan, SJ**, Pro Preside, Institute for the Study of Religions and Cultures, Pontifical Gregorian University  
Daniel Madigan SJ is an Australian Jesuit, Pro-Preside of the recently founded Institute for the Study of Religions and Cultures at the Pontifical Gregorian University. He has also worked and studied in India, Pakistan, Egypt, the United States and Turkey. Father Madigan teaches courses on Qur'anic interpretation, on classical Sufi literature, on Interreligious Dialogue, and on the theological issues that arise between Muslims

and Christians. He has been a fellow at the Center for the Study of World Religions at Harvard University, and visiting professor at Columbia University (New York), the University of Ankara (Turkey) and Boston College. Father Madigan's research is focused on the early history of the Qur'an and the nature of the Qur'an's authority, and on Muslim theologies of revelation. His book *The Qur'an's Self-Image: Writing and Authority in Islam's Scripture* was published by Princeton University Press.

**Attilio Tamburrini**, Director for Italy, Aid to the Church in Need

Attilio Tamburrini was born in 1946 and received his cultural formation from the Catholic Alliance school of thought. Since 1996, he has directed the Italian Division of Aid to the Church in Need (Aiuto alla Chiesa che Soffre – ACS), an organization recognized by the Holy See as an association of pontifical right. In his position as director, he has traveled to many areas of the world where ACS is involved in intervention. In 1999, he promoted and edited the first "Annual Report on Religious Liberty in the World," a work that, following the considerable interest it elicited, became an annual publication. The sixth edition was completed this year. Aid to the Church in Need, founded in 1947 by Fr. Werenfried van Straaten, annually carries out about 6,000 projects in over 130 countries, supporting the Church wherever it meets difficulty in fulfilling its mission as a result of limitations of the right to religious freedom or as a result of a lack of financial means. Mr. Tamburrini is married and has two sons.

# U.S. Embassy to the Holy See 20th Anniversary Conference

## “Religious Freedom: The Cornerstone of Human Dignity”

**Opening Remarks as prepared for delivery by  
Ambassador Jim Nicholson  
December 3, 2004**

Thank you for joining us today for this, our fourth and final conference to celebrate twenty years of diplomatic relations between the United States of America and the Holy See. I would like to extend a special thanks to the Gregorian University for so ably hosting our meeting today, as they have the other conferences this year. Thank you, Father Flannery, and thanks to your faculty and staff.

It is fitting that our final conference should call attention to religious liberty, because the desire for religious liberty was the driving force for the establishment of the first American colonies, and has been a central tenet of American life from the foundation of the United States. Religious liberty is also a value and a priority we share with the Holy See. Both the United States and the Holy See work ceaselessly throughout the world to promote and protect this freedom that is so essential to the dignity of mankind. It is a freedom President Bush has often described as “God’s gift to humanity.”

In fact, religious freedom was the subject of the very first diplomatic contact between the United States and the Holy See. Soon after the creation of the new American Republic, the then Pope, Pius VI, sent an emissary to see Benjamin Franklin, the U.S. Ambassador in Paris, about the appointment of a Catholic bishop in America. Franklin consulted President George Washington and the reply came back that the Holy See was free to appoint as bishop whomever it saw fit, because freedom of religion was at the foundation of the new country that was the United States of America in 1788.

Two hundred and sixteen years later, religious liberty for everyone in every country remains a priority for the United States and for the Holy See. In fact, it was a subject during the most recent diplomatic contact between the Pope and President Bush during the President’s visit to the Vatican in June this year. At that time, the Holy Father observed, “respect for human dignity finds one of its highest expressions in religious freedom.” Noting that it is the first right listed in America’s Bill of Rights, the Pope hailed the significance “that the promotion of religious freedom continues to be an important goal of American policy in the international community,” and expressed the appreciation of the Catholic Church for America’s commitment.

The United States and the Holy See both know that when people are not allowed to practice their faith because their government favors one religion over another or bans religious expression, these are grave threats to human dignity and a threat to freedom. President Bush has observed that it is no accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul – the

right to speak the words that God places in our mouths. The President believes that we must stand for that freedom in our country, and we must speak for that freedom in the world because religious liberty rests as the very heart of human dignity. There is nothing more fundamental to human life than our freedom of conscience, our freedom to be who we are. As the Holy Father has so eloquently stated: “It is a question of respect for a fundamental right of the human spirit, in which man expresses himself most deeply, perhaps, as man.”

In his proclamation for Religious Freedom Day this year, President Bush observed: “The right to have religious beliefs and to freely practice such beliefs are among the most fundamental freedoms we possess. ... The right to believe and express one’s beliefs in words and practice is a right that should belong to all people.” Similarly, from the very outset of his pontificate, Pope John Paul II has emphasized that religious freedom is “at the basis of all other freedoms” and he has challenged and confronted governments that have sought to “deter citizens from the profession of religion and to make life difficult and dangerous for religious communities.” So I am grateful that we can join together today to reflect on how we can do more to enhance this most fundamental of human freedoms.

I’m especially pleased that the Holy See’s Secretary for Relations with States, Archbishop Giovanni Lajolo, is able to be with us today. Your Excellency, the Holy See has been a moral beacon in its efforts – transcending religious differences – to promote religious freedom. Throughout his pontificate, Pope John Paul II has consistently raised his voice to rouse the conscience of governments and regimes that would seek to deny this fundamental freedom to their people.

While religious liberty deserves special attention as the foundational human right from which all others flow, its importance extends far beyond the realm of private conscience. Religious liberty in today’s world is closely linked to world peace and stability. Where religious liberty is not respected, where religious tolerance and respect for the rights of others is not common, conflict and violence too often are. That is why religious liberty and its related themes of religious tolerance and inter-religious dialogue have moved to the forefront of international politics today, and that is also why we will examine religious liberty in our meeting today as the cornerstone of human dignity and international order.

Only last week, Pope John Paul II in welcoming the President of Yemen to the Vatican, urged all people of good will to fight against terrorism and promote peace and justice, adding that this would be possible only when there is “tolerance and understanding,” and a “spirit of frank and open dialogue between different religions.” The Pope and President Bush know that religious freedom is a powerful antidote to religious extremism and terrorism. Where a society protects religious freedom, extremism and religion-based violence are less likely to take root.

Reflecting these connections between religious liberty, peace, and stability, most of the world’s nations have committed themselves to the guarantees of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These legal instruments recognize the right of each individual to worship, or not to worship, as he or she sees fit. Unfortunately, these core international commitments have not been universally respected. On the contrary, individual freedom of belief continues to be restricted, abused, or denied, and millions of people suffer every day for following the dictates of their conscience.

In response to this suffering and oppression, the United States has stepped up its support for freedom of religion worldwide with passage of the Religious Freedom Act in 1998 and the subsequent creation of a special envoy for religious freedom. I am very pleased that the U.S. Ambassador-at-large for Religious Freedom, John Hanford, is with us this morning and will be able to share his insights and experience on the United States approach to the promotion of religious liberty and how we can join with other countries to expand respect for religious freedom where it is under threat.

Ambassador Hanford oversees the direct engagement of the State Department and our Embassies the world over to promote religious liberty. Our Annual Report on International Religious Freedom shines a bright spotlight on the state of religious freedom in every country. We monitor religious persecution and discrimination worldwide, travel directly to countries where problems exist, and advocate with host governments on behalf of those who are victims of persecution and discrimination. Violations of religious freedom, which are contrary to human dignity, sometimes require sanctions and we in the United States have laws to impose economic sanctions against the perpetrators to dissuade them from continuing these violations.

At the U.S. Embassy to the Holy See we engage actively with the Holy See to promote religious freedom in many countries including Russia, China, Vietnam, the Sudan, and Cuba. For example, when Russia denied Catholic bishops and priests visas and entry, we helped focus the attention of U.S. officials, from the president on down, to this threat to freedom. Indeed, President Bush, at our urging, has spoken up for religious freedom with both Russia's and China's leadership.

The United States also recognizes that the promotion of religious freedom is not only a job for governments, but also for religious leaders and non-governmental organizations. That is why we work closely with an array of dedicated organizations who share our commitment to religious liberty, and why we have invited representatives of some of these inspiring groups to share their perspectives with us today.

Our agenda this morning is full, reflecting the scope and complexity of the task of promoting religious freedom in many regions and cultures. We are delighted to be able to bring together so many people of different background and areas of expertise, and are gratified that so many have turned out today to explore this issue with us. Before we begin, I would like to express my gratitude to Frank Hanna, an American business leader who has devoted his energy and financial support to the promotion of religious freedom and who has generously provided support for our gathering today. With that, I would like to invite His Excellency Archbishop Giovanni Lajolo to join me at the podium, so we can begin our dialogue on "Religious Liberty: the Cornerstone of Human Dignity."



# The Holy See and Contemporary Challenges to Religious Freedom

His Excellency Archbishop Giovanni Lajolo  
Secretary for the Holy See's Relations with States

I am grateful to His Excellency Mr. Jim Nicholson, Ambassador of the United States of America to the Holy See, for the invitation to address this Conference bringing to a conclusion a series of celebrations on the occasion of the twentieth anniversary of the establishment of diplomatic relations between the Holy See and the United States of America. In particular, I wish to express my appreciation for this initiative intended both to confirm and to render more effective the excellent relations between his great Nation and the See of Peter.

I am also glad that the celebrations are taking place at the Pontifical Gregorian University, the *Alma Mater* of my philosophical and theological studies and a prestigious academic center of the Catholic Church.

In the course of this conference dedicated to the topic of religious freedom as the cornerstone of human dignity, I would like to offer some considerations from the point of view of the diplomatic activity of the Holy See.

The religious mission and universal vocation proper to the Catholic Church require the Holy See to promote the great causes of the human person and of peace. In the realm of human rights, the Holy See, understandably, gives special attention to religious freedom. This is a current topic, unfortunately very current, as appears, for example, from the voluminous 2004 Report on Religious Freedom in the World, published by the Association "Assistance to the Church in Need," that examines the situation in 190 countries.

In this paper I will omit speaking about the foundation and content of the right to religious freedom, but rather pass immediately to a consideration of the contribution offered by the Holy See to insure that this right is recognized by individual states and, above all, by the international community.

## 1. Religious Freedoms and Pontifical Diplomacy

Considering the importance of religious freedom for the very life of the Church and her faithful, it is obvious that Vatican diplomacy must actively concern itself with this right. The diplomacy of the Holy See, in fact, does not determine its priorities based upon economic or political interests, nor does it have geopolitical ambitions: its "strategic" priorities are, above all, to insure and to promote favorable conditions not only for the exercise of the proper mission of the Church as such, but also for the life and faith of believers. The Catholic Church, therefore, is interested in the free exercise of human rights and fundamental liberties that are anchored in the very nature of man and in an objective moral order.

This is not, as it might first appear, a task free from difficulty. In fact, in international relations, the reference to religious freedom was and remains one of the contested

points, often times with opposing views and interpretations. It was thus during the time of antagonism between East and West, and it is thus today, before phenomena of intolerance and violence, sometimes connected with a religious fundamentalism closed to rational dialogue, or with an ideological vision that precludes the transcendental dimension of man or that abandons him on the shifting sands of relativism.

In this context, I believe it is important to remember what Pope John Paul II said, on October 2, 1979, on the occasion of his first speech to the General Assembly of the United Nations: *“Respect for the dignity of the human person would seem to demand that, when the exact tenor of the exercise of religious freedom is being discussed or determined with a view to national laws or international conventions, the institutions that are by their nature at the service of religion should also be brought in”* (N. 20). This is the case because, in attempting to concretize the content of religious freedom, if the participation of those who are most directly interested in this area and who have a particular experience and responsibility in it is overlooked, then there exists the risk of formulating arbitrary applications and *“of imposing in so intimate a field of man’s life, rules or restrictions that are opposed to his true religious needs.”* This, too, is a reason for the diplomatic commitment of the Holy See on all levels. Treatment of this topic can be found in the book published this year by the Apostolic Nuncio to Venezuela, Archbishop Andre Dupuy, entitled *Pope John Paul II and the Challenges of Papal Diplomacy*.

### **1.1. Religious Freedom in the bilateral diplomacy of the Holy See**

On the bilateral level, the Holy Father and the diplomats of the Holy See have frequently referred to religious freedom.

The so called “concordat diplomacy” of the Holy See aims at insuring stability and certainty for the activities of the Church and safeguarding the exercise of religious freedom for the Catholic faithful. Those who thought that the Second Vatican Council marked the end of the era of relations between Church and State based on negotiated treaties have been proved wrong by an increasing number of concordats and agreements. From 1965 until today, no fewer than 115 agreements have been concluded. Even though each one of them responds to precise historical and political demands and necessities and, therefore, has a specific content, they are all inspired by certain fundamental criteria:

- 1) to insure the freedom of cult, of jurisdiction and of association of the Catholic Church.
- 2) to open areas of cooperation between the Catholic Church and the civil Authorities, especially in two areas: education and charitable activity. These two spheres, especially considering their relations to the two foundational pillars of human activity and the activity of the Church – namely, truth and love – define, in a certain way, the identity of the Catholic Church and delineate the religious and social commitment of her institutions and of her members.

In an even more general sense, it is important to remember that these agreements, which also manifest a recognition of the public dimension of religion on the part of the state authorities, redound to the benefit of other religious denominations: this has been seen in Italy, but not only in Italy, where the Concordat of February 18, 1984 was followed by various agreements with other religious confessions, beginning with the Waldensian Table.

## 1.2. Religious freedom in the multilateral diplomacy of the Holy See at the United Nations

Today, however, it is my intention to present some considerations on religious freedom as the object of the activity of the multilateral diplomacy of the Holy See. The importance assumed by such a right at the United Nations is evident from the care with which this organization favored its maturation and specification. Religious freedom is recognized in Article 18 of the *Universal Declaration of Human Rights*:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*

This right was later taken up by the *International Covenant on Civil and Political Rights* of 1966, and its application was further developed in the *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, adopted on November 25, 1981.

The United Nations considers the topic of religious freedom with regularity, either in New York or in Geneva, where the Holy See has its own Representatives, with the rank of Apostolic Nuncios and the status of Permanent Observers.

In *New York*, the topic is discussed each year, during the Third Committee of the General Assembly. The Holy See intervenes formally on the question and participates informally in the negotiations concerning the Resolution on religious freedom. This year, it has dedicated particular attention to a draft Resolution, presented by the Philippines, on the cooperation between the United Nations and world religions. The Holy See declared its openness to such cooperation, on the condition, however, that it does not interfere in questions which specifically concern inter-religious dialogue, as these are, and must remain, the exclusive competence of the religious Authorities.

In *Geneva* the topic of religious freedom is also regularly discussed during the annual session of the Commission on Human Rights. On this occasion, the Holy See formally intervenes on themes of religious intolerance, the defamation of religions and the implementation of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from August 31 to September 7, 2001. In reference to this last topic, during the recent session of the Commission, the Holy See also insisted that so-called “Christianophobia” be condemned together with “Islamophobia” and anti-Semitism. In fact, it should be recognized that the war against terrorism, even though necessary, had as one of its side-effects the spread of “Christianophobia” in vast areas of the globe, where, wrongly, Western civilization or certain political strategies of Western countries, are considered to be determined by Christianity, or at least not separated from it.

In view of the Session of the Commission on Human Rights, at Geneva, at the beginning of each year the special *Rapporteur* on religious freedom presents his report on the respect for such a right throughout the world. This, too, is the object of special attention on the part of the Observers of the Holy See, both in New York and in Geneva. In 1999, the aforementioned *Rapporteur*, Mr. Abdelfattah Amor, decided to meet with representatives of the major religious confessions; he thus visited, from September 1 to 3, the various Dicasteries of the Holy See, establishing with them a dialogue not only on the contents of the above-mentioned 1981 Declaration, but also on other topics connected with religious freedom and conscience.

### 1.3 Religious freedom in the multilateral diplomacy of the Holy See

#### The framework of the Organization for Security and Cooperation in Europe

Having completed this brief excursus on the commitment of the Holy See at the United Nations, allow me now to recall for you the undertakings of the Holy See on the same issue within the framework of today's Organization for Security and Cooperation in Europe (OSCE).

In 1975, the signatory states of the Final Act of Helsinki adopted the so-called Decalogue which, even now, serves as a guide for the relations between participatory states. Thanks in particular to the activity of the Holy See, the VII principle of the Decalogue expressly lists religious freedom among the human rights which the states committed themselves to respect, in order to ensure peace and security for their own citizens. In successive meetings on the same topic, the Holy See has always been a point of reference, because it presents itself as the bearer of general religious interests and not just those pertaining to the Catholic confession.

A particular commitment of the delegation of the Holy See was to obtain a broad description of the content of religious freedom. To this end, it is worthwhile remembering that on September 1, 1980, on the vigil of the Conference of the OSCE in Madrid, Pope John Paul II sent to the Heads of State or of Government of the member countries a document on the value and content of the freedom of conscience and religion. This contributed in a significant way to the reflection of the CSCE on this topic and found an echo in paragraph 16 of the final document of the Vienna Meeting of 1989. That document states that religious freedom involves the right of religious communities:

- to establish and maintain freely accessible places of worship or assembly;
- to organize themselves according to their own hierarchical and institutional structure;
- to select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted agreement between them and their state;
- to solicit and receive voluntary financial and other contributions;
- to train religious personnel in appropriate institutions;
- to acquire, possess and use sacred books, religious publication in the language of their choice and other articles and materials relative to the practice of religion or belief;
- to produce, import and disseminate religious publications and materials.

*"De hoc sufficit"*, as my Professors from the Gregorian used to say. But, let me only add that perhaps the influence of the Helsinki Process in the preparation of the historic turning point of 1989 has not yet been adequately recognized. That process, whose active members also included countries behind the iron curtain, was characterized by its eloquent defense of fundamental human rights, *"et prae primis"*, of religious freedom. Its principles remain valid and binding throughout the entire vast territory covered by the OSCE, the successor to the CSCE.

### 2. Contemporary challenges to religious freedom

I would like now to recall some of the principal challenges that the international community must confront today in order to defend the contents of religious freedom as delineated in the reflection of the same international community.

a) Notwithstanding the fact that society of many countries seems to live with religious indifferentism and that younger generations are made to grow in ignorance of the spiritual patrimony of the people to which they belong, the religious phenomenon does not cease to interest and attract citizens.

For this reason, the Holy See never ceases to insist that, while respecting the legitimate autonomy and secularity of the state (Pius XII had introduced the expression “*sana laicita*”), the public dimension of religious freedom be recognized. This argument has been put forward on various occasions by the Holy See, not only during the recent debate on the Christian roots of Europe, but also in relation to some national legislations. Last January 12, the Holy Father himself said as much in receiving the Diplomatic Corps accredited to the Holy See. He recalled how “*a healthy dialogue between the State and the Churches, which are not rivals but partners – can encourage the integral development of the human person and harmony in society.*”

Such a dialogue is necessary, among other reasons, in order to respect the principles of an authentic pluralism and to build true democracy, either on a national or international level. Was it not Alexis De Tocqueville who underlined the fact that despotism does not need religion, but freedom and democracy do? (*Democracy in America*, I, 9) In today’s multi-ethnic and multi-confessional societies, religions constitute an important factor of unity among their members and the Christian religion, with its universal outlook, invites all to openness, to dialogue and to harmoniously working together. When the secularity of states is, as it must be, an expression of true freedom, then it favors dialogue and, therefore, transparent and regular cooperation between civil society and religious groups, in the service of the common good, and it contributes to building up the international community based on participation rather than exclusion, and on respect rather than on contempt.

b) During the process of drafting the European Constitutional Treaty, a memorandum of the Holy See recalled, among other things, the importance of the institutional dimension of religious freedom and, as a consequence, the right of each religious confession to organize itself freely, in conformity with the statutes that govern it. This aspect found a reference in Article 52 of the European Constitutional Treaty.

Let me point out that it would be out of place to fear that the recognition of such a dimension exonerates religious communities from respecting some fundamental norms of law, thus favoring eventual fundamentalist and extremist groups, or even conniving with terrorist networks. Both national and international legislation contain clauses that safeguard and protect human and fundamental rights, such as the respect of public order and national security. The observance of these clauses is imperative. Such clauses guarantee that any statute, activity or organization which places itself in contrast with the fundamental principles of individual countries or of international law, may not be recognized in their respective domains.

c) If it is accepted that religious freedom is a right rooted in the very nature of the human person and that, as a result, it is prior to any express recognition on the part of state authorities, then the registration of religious communities cannot be considered as a prerequisite for enjoying such freedom. When the registration of religious communities is requested in order to enjoy fully and exercise effectively the right to religious freedom, it cannot be denied by state authorities provided that, obviously, there exist those general basic conditions, required by national legislations and by international standards.

d) On the multilateral level, the Holy See has emphasized on more than one occasion that religious freedom implies, in the civil sphere, the subjective right of changing one's religion as well. This specific right is the object of special attention in bilateral relations with countries in which a state religion is constitutionally recognized.

As I have already mentioned, the Universal Declaration states that religious freedom "*includes the freedom to change his religion or belief*": various international documents also contain similar affirmations. In this regard, I would like to mention General Comment 22 of the Human Rights Committee, relative to Article 18 of the International Covenant on Civil and Political Rights, which states: "*The freedom to have or to adopt a religion or a belief necessarily includes the freedom to choose a religion or a belief and to substitute that which one already believes, or even to assume an atheistic conception.*" I chose this document because it interprets authentically Article 18 and has binding force for the Party States to that pact.

In the international context, marked by an insurgence of religious fundamentalisms, it is more than ever imperative to recall the international ban on coercion, on penal sanctions or on the threat of physical force in order to force adherence to religious creeds or religious communities. Here, several states are seriously deficient. Furthermore, as far as this issue is concerned it is not enough for a state to guarantee such a freedom by means of a constitutional norm, or by means of a corresponding legislation which applies it; the exercise of this freedom must be efficiently protected on the level of lived social relations.

e) In these times, the attention of the international community and of some of its organizations tends to place religious freedom "under the umbrella" of *tolerance*. I am thinking, in a particular way, of OSCE and the attention which that organization, for some time now, dedicates to the topic, in the realm of its so-called "human dimension."

In this regard, the Holy See has many times recalled the content of yet another international document for which it so readily committed itself. I am referring to the 1995 UNESCO Declaration on Tolerance. This document specifies that tolerance does not mean "*a renunciation or a weakening of one's own principles*", but rather "*the freedom to adhere to one's own convictions and to accept that others can do the same*". Those who live with coherence their own religious convictions can not, as such, be considered intolerant. They become so if, instead of proposing their own convictions and eventually expressing respectful criticism of convictions other than their own, they intend to impose their convictions and exercise either open or surreptitious pressure on the conscience of others.

On the other hand, prevision for a differentiated juridical discipline of religious confessions is not contrary to tolerance, as long as the identity and freedom of each one of them is guaranteed. In itself, not even the recognition of a state religion violates human rights. Naturally, such a disposition must not prejudice the effective and full enjoyment of even one of the civil and political rights of religious minorities. In this sense, it is helpful to recall yet again that the already cited General Comment 22 of the Human Rights Committee emphasized that, for the principle of non discrimination on account of religion or creed, the state authority must not limit access to services and government offices only to the faithful of the official religion or of the religious majority.

### 3. Conclusion

I would like to conclude with a question: is there a state in which the Church can say that religious freedom is so fully realized that she, with the freedom which is distinctively hers – the *libertas Ecclesiae* – finds herself perfectly at ease? If the answer is to be exact or precise, it should be negative. Even in states in which the right to religious freedom is taken very seriously and in which the Church can say that she is reasonably satisfied, there is always something which does not adequately respond to her needs. In one country, for example, the specific nature of some of her fundamental institutions is not recognized (for example, regarding her hierarchical structure). In another there is no due recognition of canonical marriage; in another the educational system does not sufficiently respect the right of parents and even less of the Church; in yet another the economic system does not take into account the properly social ends of the institutions of the Church. In these countries, notwithstanding this or that particular limitation, the Church nevertheless can say that she enjoys almost always sufficient freedom, equal to that of other religious confessions. And she knows how to accept certain limitations, fully cognizant of her “pilgrim” nature, “*in statu viae*”, as a companion with and sympathetic toward each “*homo viator*” who seeks, consciously or not, the face of God.

The *libertas Ecclesiae*, her intrinsic freedom, is in each case stronger than any possible limitation that can be imposed upon her, because it derives from the mandate of Christ and has the deep and vast breath of the Spirit: it is the freedom of that love which dwells in her – ever ancient and ever new – for the human person, who is the living image of God.



# Towards Enculturating Dignitatis<sup>1</sup> Humanae in the American Tradition of Religious Liberty

Kevin J. Hasson

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The American Tradition of religious liberty is not a positivist tradition, but one rooted in natural rights derived from a consideration of what we now call the dignity of the human person. As such, it is open to the teaching of *Dignitatis Humanae*.

The American tradition is embodied by James Madison, who was the moving force behind both the Constitution and its First Amendment, as well as Virginia's earlier religious liberty provisions. His story demonstrates well why we are not a positivist people.

It was the spring of 1776, a couple months before Jefferson wrote the Declaration of Independence, and the twenty-five-year-old Madison had just been appointed to the Virginia legislature's committee in charge of preparing a Declaration of Rights for the Commonwealth. George Mason, the chairman of the committee, had submitted a draft that included the assertion that "all Men shou'd enjoy the fullest *Toleration* in the Exercise of Religion, according to the Dictates of Conscience." The chairman no doubt thought he was being broad-minded in according toleration to all, and not just to some. Madison, however, wouldn't stand for it.

He secured an amendment to the draft, deleting toleration and replacing it with the phrase "all men are *equally entitled to the free exercise* of [religion], according to the dictates of conscience." He would later explain that he proposed the amendment "to substitute for the idea expressed by the term 'toleration' an absolute and equal *right* of all to the exercise of religion according to the dictates of conscience."

The full text, as Madison had redrafted it, thus said it was:

Truth ... that Religion, or the Duty which we owe to our Creator, and the Manner of discharging it, can be governed only by Reason and Conviction, not by Compulsion or Violence; and therefore all men are equally entitled to the full and free exercise of it according to the dictates of Conscience, unpunished and unrestrained by the Magistrate, unless under Colour of Religion any Man disturb the Peace, the Happiness, or Safety of Society, or of Individuals; and therefore that no man or class of man ought, on account of religion to be invested with peculiar emoluments or privileges. And that is the mutual Duty of all, to practice Christian Forbearance, Love and Charity towards Each other.

Notice the idea underlying Madison's draft: Freedom follows from a truth and is itself oriented towards seeking the truth. Moreover, rights follow from human nature. From what we know of the nature of human beings we can derive natural rights, or moral constraints on the use of coercion.

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<sup>1</sup> Excerpted and adapted from *The Right to be Wrong*, by Kevin "Seamus" Hasson, San Francisco: Encounter Books, 2005. All rights reserved. Used with permission.

Now, it is one thing to say that there is a human right to religious freedom and it is another thing to define the scope of that human right. Secularists among us often concede even gleefully, that human dignity leads to religious freedom, but then go on to define human dignity as majestic courage in the face of the reality that we are merely accidental organisms adrift in a cold and lonely universe. This mistaken view of human nature naturally results in a mistaken view of human freedom. For them religious freedom is the right to be *free* from claims of morality and eternity which only serve to heighten one's angst. If one is to claim a particular version of religious liberty to be the authentic one, one has to identify what it is about human nature that bestows on us the dignity that guarantees such freedom. As we have seen, Madison's answer was intellect and conscience, and implicitly, will as well.

And what did Madison imagine "the right of every[one] to exercise" his or her religion as "conviction and conscience" required, would look like? As he elaborated several years later, Madison would not settle for anything less than for everyone to have the "freedom to *embrace*, to *profess* and to *observe* the Religion which we believe to be of divine origin." That is, everyone would have the right to believe what seemed to them to be true (to "embrace"), to express those beliefs and try to convince others of them (to "profess"), and then to live according to them (to "observe").

And it would be a universal right, possessed even by those we are convinced are wrong. Because we claim that right for ourselves, Madison argued, "we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us."

Moreover, this "right is in its nature an unalienable right," that is a right we may not even voluntarily surrender. Why? In large part, Madison says:

because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, do it with a saving of his allegiance to the Universal Sovereign.

Madison then carried these ideas forward into the debate over the federal bill of rights. Actually, the "father of the first amendment" initially opposed the entire idea of a bill of rights. He worried that people would assume any constitutional protection for religious liberty would exhaust the right of religious liberty itself. That is, the idea of a robust natural right of religious freedom would begin to fade. His concerns show up dramatically in an exchange of letters between him and Thomas Jefferson, who had missed the constitutional convention while serving as ambassador to Paris.

Jefferson writes that there is much in the new Constitution he likes, but much also that he does not. "First," he says, is "the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press," and other rights. A bill of rights, Jefferson says, "is what people are entitled to against every government on earth," and something "no just government should refuse. There follows a lively back-and-forth in which an adamant Jefferson seeks to persuade a skeptical Madison of the usefulness of a bill of rights.

For his part, Madison had very little faith in the power of a "paper barrier" to secure rights. "In a popular Government," he explained to Jefferson," the political and

physical power may be considered as vested ... in the majority of the people, and consequently the tyrannical will of the Sovereign is not to be controlled by the dread of an appeal to any other force within the community.” Therefore, a bill of rights is useless to protect rights. “Repeated violations of these parchment barriers,” he observed, “have been committed by overbearing majorities in every State.”

In fact, Madison saw a danger in the mere *attempt* to write down a set of rights for inclusion in the Constitution. As he explained to Jefferson, he was “sure that the rights of Conscience in particular, if submitted to public definition, would be narrowed much more than they are ever likely to be” by the Constitution’s silence on the subject. A declaration of religious liberty, in sum, “could not be obtained in the requisite latitude.” The best that could be hoped for was some sort of compromise that would protect religious liberty only partially. And that, he worried, could be dangerous. Codifying less than the complete right of religious liberty could lead people to believe that is all the religious liberty there is. They could mistakenly believe, in other words, that the Constitutional right exhausts the natural one.

Jefferson responded to this argument pragmatically.

Madison’s point was correct, he said, but “half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can.”

In the end, and, despite his own powerful arguments against a bill of rights, Madison eventually did come around to play a decisive role in drafting one, which turned out to be a compromise, much as he feared. On the question of religious liberty, he proposed to insert language in the Constitution saying that “No state shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases.” The Senate, however, rejected that proposal. He also made a bid to abolish established churches in the states by submitting a draft that stated “no religion shall be established by law. Others in the House, however, feared (correctly) that this would lead to the abolition of the states’ established churches. Eventually, after conference with the Senate, the final text emerged: “Congress,” it read, “shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Established religions would continue under the various state governments for more than a century, but the federal government had no power either to establish its own religion or disestablish that of a particular state. The Bill of Rights, in other words, turned out exactly as Madison had predicted. His vision of religious liberty indeed “could not be obtained in the requisite latitude.”

Reflecting later in life, however, Madison still distinguished between the Constitution’s protections and “pure . . . religious freedom.” Criticizing a certain practice, he asked rhetorically whether it was “consistent with the Constitution, *and with the pure principle of religious freedom?*” “In strictness,” he said, “the answer *on both points* must be in the negative.” He then went on to make a textual argument under the first amendment and an “equal rights” argument under the “pure principle.” Madison obviously didn’t believe that the existence of the Constitution somehow superseded the natural rights that it sought, however imperfectly, to embody. So even though, the First Amendment was not all he believed it should be, it did not exhaust the protections for our rights. There were still natural rights to which we could appeal. Or, as Washington would write in 1790, “It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.” [George Washington’s letter to the Touro Synagogue, 1790]

Neither Washington, nor Madison ever relinquished the argument that there yet remained a natural right of religious freedom, broader than the first amendment, to which we could appeal.

There is currently much confusion about the nature of religious liberty in America. A good deal of this confusion is on the part of Americans themselves, who often confuse natural rights with legal ones just as Madison had worried. When asked where religious liberty comes from the typical American responds in a way that would appall Madison: “well, it comes from the Constitution, of course”. And even when pressed to the next step, “and what if the Constitution were to be amended or repealed?” most Americans hold their ground and say “well then I guess religious liberty would be amended or repealed as well”. They thus appear to be thoroughgoing if amateur positivists. But not for long. In my experience, they are easily rescued from this position. Give them the story of Mary Dyer and they will instantly be deeply ashamed.

Give them the more recent exploits of ambassadors Nicholson and Hanford and they will feel proud. Point out the inconsistencies between those reactions and their professed positivism and they invariably revert to a fundamental if unformed natural rights theory.

The story of Mary Dyer is indeed a shameful one. It takes place in pre-colonial Boston, which was then known as the Massachusetts Bay Colony. The Massachusetts Bay Colony was legally erected as a puritan sanctuary. Puritanism was legally established, and with a vengeance. It did not suffer anything remotely resembling religious liberty. So in 1656 when Quaker evangelists began to appear, the duly elected legislature duly enacted a law providing that such Quakers were to be expelled and if they returned, flogged and expelled once again. To their astonishment, the Quaker preachers returned, often repeatedly, to preach and, if necessary, to be flogged. So the following year, the duly elected legislature duly enacted a new statute providing that repeat offenders were to have one ear cut off. Those who persisted beyond that point would have the other ear cut off, and for a third offense their tongues were to be bored through with a hot iron.

This was still insufficient to deter the Quakers who believed they were obeying the command of God himself to preach against the Bay Colony. Once again they returned. So the following year, the duly elected legislature duly enacted yet another statute providing the death penalty for Quaker preachers who returned. Mary Dyer was a fervent Quaker who returned 4 times to preach against the Massachusetts bay Colony, not counting the 2 trips she took to preach against the Puritan colony in New Haven. So, on June 1, 1660, Mary Dyer was solemnly, lawfully hanged on Boston Common for her insistent preaching.

Now when the king of England got wind of this, he ordered the Massachusetts Bay Colony to stop executing Quakers and deport them to England instead. They grudgingly complied but only partially. They replaced the death penalty with what they called the “cart’s-tale law.” It provided that a returning Quaker was to be stripped naked from the waist upward, tied to a cart’s tale, dragged through the town while being flogged, then handed over to the officials of the next town to be tied to its cart’s tale and dragged through its streets – and so on until the unfortunate Quaker had been dragged and whipped to the borders of the colony itself.

When telling this tale to a group of would-be positivists, I always end the same way. I put on the most innocent looking expression I can muster and ask simply “why didn’t Mary Dyer have it coming? After all a duly elected legislature duly enacted the death

penalty for her preaching. She had notice of the statute, and knowingly and willingly violated it. Why shouldn't Mary Dyer be executed?" I ask.

Immediately there are cries of outrage. How could I ever ask such a question? Whereupon I allow perhaps that there is something about the death penalty that makes the situation unjust. What, I say, if we just cut off her ears or bored her tongue through with a hot iron? After all, the duly elected legislature duly enacted the statute. Not surprisingly, no one has ever thought that was just either. Well, I ask, perhaps maiming is a problem. What if we only tied her to a cart and dragged her thorough the city while being flogged. No lasting damage. What about that? Still unanimous cries of outrage. Then I spring the trap and ask "well if you can't do any of those things to Mary, why not? It's not because it was unlawful – it was legally required. It's not as if it was unconstitutional.

There was no constitution yet. Well then, why didn't Mary Dyer have it coming? Over the last several years, literally in hundreds of audiences, the response has been nearly unanimous and thoroughly American: never mind the law, it's inhuman.

The few holdouts usually claim there is something unfair about invoking an example from centuries ago. For these of my countrymen I have different stories and a different question – or rather, the same question in a different context. These stories play off the exploits of our current state department. In 1985, the Chinese government detained a six-year-old boy named Gedhun Choekyi Nyima and have kept him incommunicado ever since. He is not even alleged to have committed a crime. He is being held simply because Tibetan Buddhists believe him to be the reincarnation of a religious figure known as the Panchen Lama – someone second only to the Dalai Lama in the Tibetan Buddhist hierarchy. All of which greatly alarms the Chinese government – so much so that it has appointed its own official (and tame) reincarnation of the Panchen Lama, while keeping Gedhun under wraps. Assuming he is still alive, Gedhun has now spent three-quarters of his young life in custody solely because the government feels apprehensive about his religious status. Now, when we denounce all that as an outrage against religious liberty, China inevitably responds only that we're "interfering in their internal affairs."

#### *Why aren't they right?*

In June 2001, the Sudan arrested, imprisoned and tortured one of its citizens, Aladin Orner Agabani Mohammed. Unlike China's Gedhun, Mohammed had actually broken the law. How? By converting from Islam to Christianity, which is a crime in the Sudan. This makes Mohammed a fitting symbol of the tens of thousands of Christians and Animists, whom the Khartoum government has imprisoned, enslaved, or simply killed in the last few years. America has repeatedly denounced it all as an outrage against religious liberty. Khartoum responds, when it responds at all, that we are interfering in their internal affairs.

#### *Why aren't they right?*

On July 21, 1998, Iranian authorities hanged one of their citizens, a Mr. Rowhani. He had committed the capital offense of converting an Iranian Muslim to the Ba'hai faith. At the time, Mr. Rowhani was just the latest in a line of over 200 Ba'hai whom the Islamic Republic had executed for their faith. When our State Department condemned the executions, Tehran likewise responded that we were interfering in their internal affairs.

*Why aren't they right?*

Once again, the results have been unanimous: No one has ever been prepared to concede that the Chinese can imprison a six year old boy or the Sudanese torture converts or the Iranians execute proselytizers simply as a matter of political choice. Once again, when asked why, the response is always the same: it's inhuman. Despite the fact that neither China nor the Sudan nor Iran has anything remotely resembling a first amendment, these would-be positivists stand and applaud when our state department insists on human rights and not just legal ones.

In short, the deeper and better instincts of my confused countrymen continue to follow in the trajectory of our founding: religious liberty is a human right that no government grants in the first place and therefore no government may properly deny. It follows from human nature itself and more precisely from a mind and heart that is born to seek the true and the good, and from a conscience that insists we embrace the good and the true we believe we have found. Time does not permit an exhaustive comparison with Church teaching but I believe the parallels are obvious. The American tradition is still a very young tradition, and one still in flux. But it is also one that provides fertile ground for the enculturation of *Dignitatis Humanae*.

# Religion and International Order: Generating Violence or Constructing the Common Good?

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In this time when our world faces intensified threats to the peace and security of mankind, the connection between religion and such violence and disorder is the subject of great questioning and controversy. But only a very atrophied memory of the past could lead us to presume that the underlying problem is a new one. Difficult relationships between religion, force and international order are at least as old as we have history to record them for us, and the lessons of the past can illumine our situation today.

Consider one well-known example from ancient Greece. As the Athenian navy prepared to conquer the tiny island of Melos in 416 B.C., the Melians and the Athenians held a conference at which the Melians pleaded their neutrality in the Peloponnesian War. But the Athenian military commanders responded that “the strong do what they can and the weak suffer what they must,” and Thucydides records for us the result: Athens massacred the men of Melos, enslaved the women and children, and colonized the island as their own. One less-noticed detail of the Melian dialogue bears particular mention here.

The soon-to-be-vanquished islanders appealed to their gods “as just men fighting the unjust,” while the Athenians responded that they equally believed themselves to be divinely favored: “as far as the gods are concerned, we have no fear and no reason to fear that we shall be at a disadvantage.” Thus the Melian dialogue represents not only one paradigm for understanding the relationship between force and international relations, as it is routinely understood today, but also between religion and power. It is the model of religion in the service of violence.

And yet, consider instead a very different sort of “international” religious dialogue also from ancient Athens. More than four centuries after the Peloponnesian War, Paul of Tarsus arrived at the cultural center of the world, stood up at the Areopagus and said, You Athenians, I see that in every respect you are very religious. For as I walked around looking carefully at your shrines, I even discovered an altar inscribed, ‘To an Unknown God.’ What therefore you unknowingly worship, I proclaim to you. The God who made the world and all that is in it, the Lord of heaven and earth, does not dwell in sanctuaries made by human hands, nor is he served by human hands because he needs anything. Rather it is he who gives to everyone life and breath and everything. He made from one the whole human race to dwell on the entire surface of the earth, and he fixed the ordered seasons and the boundaries of their regions, so that people might seek God, even perhaps grope for him and find him, though indeed he is not far from any one of us. For ‘In him we live and move and have our being,’ as even some of your poets have said, ‘For we too are his offspring.’

The place of religion in this encounter between peoples couldn't be more different than that of the Athenians at Melos. The contrast between them represents a different understanding of the problems and possibilities of religious dialogue in the encounter between peoples in the world today. The Melian example is one of coercion and violence because it was the forceful assertion of one people's gods upon the other. The Areopagus was the scene of a common appeal to freedom, reason and truth, which Paul did by relying on the traditions and culture of the Athenians themselves. The former denied the possibility of common interests between the peoples of Melos and Athens. The latter, by appealing to the deepest insights of all human societies, offered the possibility of recognizing a commonality across languages and cultures. Thus, religious difference in the Melian dialogue was a factor of conflict; at the Areopagus, it presented a starting point for the possibility of recognizing a universal common good.

Can the Areopagitic example serve as an example for us of how to achieve the cross-cultural understanding necessary for international cooperation and security today, as well? Is it reasonable for us to hope that international cooperation and security today can be based on a cross-cultural understanding of genuinely shared purposes rather than on mere coercion or narrow self-interest? It is by no means an obvious proposition that there is, or realistically can be, any broad or deep "common good" in a world of radical religious pluralism like ours. But to the extent that it is possible at all, we need only reflect a little to understand that religious dialogue in the model of the Areopagus will be critical to the effort in several respects.

First of all, such commonality does not just "happen" through inevitable and impersonal processes; it must be built up through the exercise of human moral agency. The universal common good must become a human experience cultivated through a disciplined commitment to the good of others, our neighbors, as human persons equal in dignity to us. To do this, the religious dimension of our humanity cannot be ignored.

One need not make the strong claim that religion is *necessary* for such a transformation of interdependence into solidarity – although even that claim would not be implausible. It is sufficient for these purposes to recognize that for huge segments of the human race, religious communities and religious traditions are the primary contexts for wrestling with the meaning of reality, for discerning the ends of personal and social existence, for living the drama of a life oriented toward ultimate ideals, and for educating ourselves and succeeding generations about our responsibilities to others. Thus, even in a world of globalized material interdependence, it is not plausible that we could construct a truly human universal common good, as an experience of personal and social commitment to the good of others, without the formative role of religious inquiry, searching and dialogue. Without it, the alternative is to experience globalization and interdependence as exactly the opposite of solidarity: as the loss of meaning, as the depersonalized subjection to forces of nature or ideology beyond our control or understanding, and thus as a loss of freedom. This is the implicit source of much of the "no-global" movement around the world, for example: it is not merely opposition to globalization, but an opposition born of a perception of dehumanization, an opposition of rage rather than of judgment. In the absence of the possibility of meaning, it is not merely the case that a universal common good is nonexistent at present; it is impossible as a future reality as well.

Second, we have reasonably come to regard the idea of human rights as a useful and important way to articulate certain fundamental aspects of the common good of human

persons. Indeed, the language of human rights constitutes the principal framework for cross-cultural communication about the specific requirements of human dignity and interpersonal justice for each member of the human family. But the necessarily general, open and under-determined principles of human rights are not by themselves sufficient to fully express a common good. To begin with, they require specification in extended, articulated ways – for example, what ought to count as a right, who are the bearers of rights and corresponding duties, what are the appropriate limitations of rights, how to balance conflicting claims of rights, or how should specific historical and social contexts impact understandings of human rights?

Religious traditions in significant ways provide that “grammar” of human rights, the basic tools and forms with which to think and talk about rights and duties toward one another, and about the implications of human dignity and justice in concrete circumstances beyond the bare, abstract statement of a right.

Moreover, even relying on the language of individual human rights to give greater specificity to the contents of a common good, we must nevertheless consider seriously the historical, familial, linguistic and other cultural realities to which we belong, because it there that we experience the purpose of a shared aim as a tangible reality rather than as an ideological abstraction. That is, the possibility of cooperation and understanding must take into account the persistent relevance of local human communities. It will depend, therefore, on seeking a synthesis between the claims of universal human rights and the integrity and freedom of nations and peoples. Once again it is not difficult to see the critical role that religious perspectives will play in this. To begin with, it is a basic fact that in every human civilization – even in the most secularized corners of Europe – religion constitutes one of the most critical elements in defining the identity, culture, history and character of peoples. More generally, belonging to religious communities is probably the most fundamental way that men and women mediate between those two, between the individual and the communal, and between the particular and the universal.

This is recognized in the fact that of all the human rights articulated and accepted in the canon of international law, the right to freedom of religion is the one that most explicitly links the individual and the communal dimensions of human personhood and dignity. That points to the broader dual role of religion in general. On the one hand, we exist in time, and thus in the stream of specific histories, circumstances, peoples and traditions. On the other hand, we naturally desire and seek such things as beauty, justice, truth and happiness – universal ideals that transcend the temporal and geographic boundaries of our ordinary life. Authentic religiosity, therefore, both grounds us in a particular and opens us up to the possibility of relationship with others. In short, these reflections suggest that it would be a grave mistake for international politics and law to exclude or ignore religious discourse from its purview, and to seek a reduced and false sort of unity or commonality by what might be called a “global *laïcité*” – that is, the suppression of any specifically religious expression of ideals, values, identity and culture. Such a radical secularization of the international arena would stunt the possibility of forging a genuine universal common good. It would thus in turn undermine the legitimacy and authority of any international order. Religion, on the other hand, would not thereby disappear; it would merely be pushed away from the possibility of commonality, increasing the probability of its becoming only a tool of conflict – in the heritage of Melos.

Nevertheless, especially in the current global conditions, we are all acutely aware that not all expressions of religion in the world manifest that sort of openness to a universal common good, and this is one of the real challenges of international law and politics. A realistic look at the phenomenon of religion in the world today cannot fail to keep us sober about its constructive possibilities. Especially when we fail to educate the religious sense to a constant openness and humility before the mystery of the universe and of man, religion can very easily become a form of exclusion and violence – violence toward oneself and others. The most painfully obvious and extreme example of this distortion today presents itself in the attacks of September 11, 2001 and on the trains of Madrid, or in the daily kidnappings and killings by which some people in Iraq try to sabotage the possibility of constructing a life together in freedom and dignity. Despite all the attempts to explain the origins of such acts in purely sociological, political or economic terms, in fact they cannot be understood without attention to their religious significance as well. They are the fruit of a religious sense so reduced that it proclaims a love of death – one’s own and that of others – rather than life, and that thus becomes an ideology of violence. Again, we are in the vicinity of Melos. And merely because that particular brand of Islam poses the greatest threat to the tranquility of international order today in no way should suggest that the danger of religion is limited to Islam – I’m sure we could each cite examples from our own traditions of that premature closure of the religious sense that can distort it toward violence.

How, then, can we acknowledge the necessity of religion to the universal common good while not being naive about its dangers? Here, a real commitment to a very robust understanding of religious freedom is critical in the international sphere. It is through that first freedom that we are able both to embrace of religious pluralism and to promote the openness of each religion to the other. A robust freedom of religion is a necessary prerequisite to the sort of dialogue of the Areopagus, with the appeal to reason and a shared end. And without that first freedom, such a dialogue is impossible.

My point, then, is that freedom of religion is not merely a requirement for respecting individual human dignity – though it is certainly that, as well. But it is even more. Given the intimate connection of religious dialogue and religious life to the possibility of constructing a universal common good, it is a requirement for peace, security and cooperation among nations. Consider again, in conclusion, the Areopagus, Paul was not exercising legal or political authority in order to assert or enforce a particular religious viewpoint. He spoke to the Athenians out of weakness and out of the specificity of his religious identity and community, yet sought to appeal through reason to truths applicable to all humanity. He embraced religious difference and yet sought commonality through it; he respected the freedom and cultural integrity of the Greeks by engaging their own tradition but also by urging openness within it. In an analogous way, then, we can hope to expand the horizon of the universal common good and of a just and peaceful international order, and to reduce the scope of the Melian alternative, by devoting our efforts to protecting and promoting freedom of religion for all.

# Status of International Religious Freedom

**John V. Hanford III**  
**Ambassador-at-Large for International Religious Freedom**  
**U.S. Department of State**

It is an honor to be here today to discuss the U.S. Government's worldwide efforts to promote religious freedom. Thank you for holding this conference and for giving me the opportunity to discuss the recent work of the State Department on behalf of religious freedom.

It has been my pleasure to serve, for the past 3 years, as the second U.S. Ambassador-at-Large on International Religious Freedom. My office, as many of you know, has the mandate to make religious freedom advocacy a central priority of the U.S. Government, and to integrate this priority into other U.S. foreign policy arenas, such as promoting democracy and fighting religion-based terrorism. My staff and I monitor the worldwide status of religious persecution and discrimination, develop and carry out strategies to fight and reduce these abuses, and advise the Secretary of State and the President how best to meet these challenges.

This priority comes from the highest levels of the U.S. Administration, and is a personal priority for the President. As President Bush said, religious freedom "is the first freedom of the human soul – the right to speak the words that God places in our mouths. We must stand for that freedom in our country. We must speak for that freedom in the world."

The Department of State recently released our sixth Annual Report on International Religious Freedom, and made a simultaneous announcement of those countries we are designating as "countries of particular concern," or CPCs. Today, I'd like to comment on the importance of religious freedom in our foreign policy worldwide, the specific steps we take to advocate on behalf of the millions of religious believers around the world who face restrictions or persecution due to their faith, and discuss in particular our work with several CPCs.

President Carter once said, "America did not invent human rights. In a very real sense, it is the other way round. Human rights invented America." This is particularly true for the foundational human right of religious freedom, which drew so many to immigrate to our shores, and which, early on, was enshrined in our founding charters.

Beginning with the arrival of the Pilgrims in 1620, millions have come to the United States seeking freedom to worship according to the dictates of conscience or fleeing the religious repression they suffered under an intolerant government. As our founders undertook the American experiment in self-government, they recognized the centrality of religious liberty, as evidenced by the robust guarantees in the First Amendment to the U.S. Constitution.

In his Farewell Address to the nation, President Washington deemed the twin pillars of religion and morality to be "indispensable supports" to the new nation's political flourishing, and insisted in 1789 that "no one would be more zealous than myself to establish effectual barriers against...every species of religious persecution."

This deep-rooted insistence of the American people on the individual right to freedom of religion, along with the priority that many Americans continue to place on the importance of religious faith in their own lives, accounts for our widespread domestic support for the promotion of religious freedom internationally. At the same time, there is a growing international understanding that freedom of religion is indeed a universal right, not confined to any particular nation, culture, or faith. U.S. religious freedom advocacy is based on international standards for religious freedom as enshrined in documents such as the Universal Declaration of Human Rights. Our policy is not an attempt to impose the U.S. First Amendment on the world – it is a policy of supporting the responsibilities to support freedom and dignity that have been freely undertaken by almost every nation in the world today.

Not just in America, but in many nations and cultures around the world religious freedom is equally valued as precious. Indeed, many people would say that their freedom to believe and worship is their most vital and indispensable right. It is this aspiration that we seek to serve through the work of our office. As President Bush often says, “Freedom is not America’s gift to the world, but the Almighty’s gift to mankind.”

Since the passage of our International Religious Freedom Act in 1998, we have made important strides in advocating for religious freedom as part of our foreign policy. The President and Secretary Powell have worked hard to strengthen this commitment as a national priority, frequently raising our issues in the highest-level diplomatic discussions. While our own historical record is far from perfect, we continue to strive, at home and abroad, to uphold religious freedom as the sacred right that it is. The spiritual longings of the human heart have an innate dignity all their own, deserving our respect and demanding our protection.

For all of our efforts, and the efforts of like-minded governments and other institutions around the world, considerable challenges remain. Too many people continue to suffer for the belief or practice of their faith. Too many governments, despite having pledged to abide by the Universal Declaration of Human Rights, still refuse to protect this universal right. Freedom may be a reality for many, but it remains still only a dream for far too many others.

Today, some of the greatest threats to international peace define and even justify their violence in religious terms. Our work, in advocating societies based on the respect for human rights, including religious freedom, offers a compelling alternative. Religious extremists cling desperately to the idea that religion demands the death of innocents and the destruction of liberty. We hold confidently to the idea that religious freedom respects the life of all and the cultivation of human dignity. In the words of our President, “successful societies guarantee religious liberty – the right to serve and honor God without fear of persecution.”

Sometimes intolerance has several components, including a religious dimension. Anti-Semitism, for example, touches on both religious discrimination and ethnic discrimination, and it continues to be a problem of great concern to the U.S. Government, the international community, and many of us here, I’m sure. This year we saw a disturbing increase in anti-Semitism in several European countries, as well as ongoing anti-Semitism in many predominantly Muslim countries.

### *Afghanistan*

But allow me to take a moment to highlight a few places where positive developments have taken place, in our view. In Afghanistan, the Constitution, ratified in January, helps secure religious freedom and equal rights for women and minorities, including Shi'ite and Sufi Muslims, all of whom had been severely restricted under the Taliban regime. Article 7 commits the Government to abide by the Universal Declaration of Human Rights and other international treaties and conventions that include robust protections for religious freedom. A curriculum and textbooks that emphasize general Islamic terms and principles continues steadily to replace the preaching of extremist views in schools. All Kabul schools and the surrounding provinces are using the new texts.

### *Iraq*

In Iraq, religious freedom is slowly beginning to unfold. We designated Iraq a Country of Particular Concern in the past due to the Saddam Hussein regime's repression of religious belief and practice, particularly his vicious persecution of the Shi'a Muslims. Now that Hussein has been removed from power, and with the passage last spring of the Transitional Administrative Law, which guarantees freedom of religion, Iraq is no longer a CPC.

While the Iraqi people are newly experiencing freedom of religion without governmental restrictions, we're concerned about the violence that has been directed toward the indigenous Christian and Mandaean communities, particularly since the nearly simultaneous bombing of five Christian churches on August 1. It will ultimately be up to the Iraqi people to create a society and establish a government that protects the right to freedom of religion.

Non-discrimination among Iraq's many ethnic and religious groups is a key value for Iraq's future, and is at the heart of the Transitional Administrative Law. We have encouraged Christians and Mandaeans to reach out to other like-minded groups to forge political coalitions to ensure they have a voice in the political and constitutional process. We are continuing to work very closely with the Iraqi Interim Government through our embassy in Baghdad, and through our bilateral assistance programs, to promote human rights and to encourage religious tolerance.

### *India*

We've seen progress in other areas of the world as well. In India, the new coalition government that came to power in May pledged to respect the country's traditions of secular government and religious tolerance and to pay particular attention to the rights of religious minorities. Prime Minister Singh has spoken out strongly against the riots in Gujarat state in 2002 that left at least 1,000 Muslims dead. The Supreme Court ruled that the Gujarat government must re-open nearly 2000 cases stemming from this violence, in a step toward holding accountable those who spew hate and spur repression. The state of Tamil Nadu also announced the repeal of its anti-conversion law this year.

### *Turkmenistan*

In Turkmenistan, there continue to be violations of religious freedom, though our intense diplomacy helped to secure some important progress. In March, amendments to the law on religious organizations and subsequent Presidential decrees paved the way for registration of some religious congregations and have engendered a noticeable

reduction in harassment of minority congregations. Four minority religious groups have now been registered, the first minority groups allowed to do so. The Government also repealed criminal penalties for unauthorized religious activity. Despite these improvements, my colleagues and I will continue to make clear to the Government of Turkmenistan the need for greater improvements in religious freedom.

### *CPCs*

Despite these improvements, there are far too many places where people still suffer persecution, torture, and imprisonment for their faith. Our International Religious Freedom Act requires us to review conditions around the world and determine which countries, if any, have committed particularly severe violations of religious freedom. These are the governments we designate as “Countries of Particular Concern,” or “CPCs.” By definition, a CPC is a government that has engaged in or tolerated “systematic, ongoing, egregious violations of religious freedom.”

The CPC designation is one of a number of tools in our diplomatic arsenal, and every effort should be made to use it in such a way that offers the greatest potential to affect change. When possible, we also engage in sustained, vigorous and high level diplomacy with authorities in that country, describing to them the religious freedom violations that place them at the threshold of designation, and suggesting specific steps they can take to improve religious freedom and avoid designation.

Our office is working hard on many fronts, but we devote special attention to countries where there are severe violations of religious freedom. And while there have been some successes, this year Secretary Powell found it necessary to redesignate Burma, China, Iran, North Korea, and Sudan, and to designate for the first time Eritrea, Saudi Arabia and Vietnam. I want to discuss in detail some of these egregious violators, and how we are attempting to resolve the situations there.

### *China*

In China, the government continues to repress Tibetan Buddhists, Uighur Muslims, Catholics faithful to the Vatican, and underground Protestants. Many religious believers are imprisoned for their faith, and others continue to face detention, beatings, torture, and the destruction of places of worship.

Offenses related to membership in unapproved religious groups are classified as crimes of disturbing the social order. Though we noted that the number of people arrested under these provisions has dropped in the past few years, most experts agree that this is a statistical fluke. In fact, there was a spike in detentions in 1999-2000 resulting from PRC crackdowns on Protestant house churches, Roman Catholics faithful to the Vatican, and spiritual groups labeled as cults, such as the Falun Gong. The recent decrease in arrests doesn't represent a trend toward tolerance, it represents a return to business as usual.

Probably the group most severely affected by PRC crackdowns is the Falun Gong. Though the Falun Gong doesn't consider itself a religion per se, we believe that as a system of spiritual belief the organization should be according the same rights as a religion. According to Falun Gong practitioners in the United States, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices. The organization reports that its members have been subject to excessive force, abuse, detention, and torture, and that some of its members have died in custody. Foreign observers estimate that half of the 250,000 officially recorded inmates in the country's

reeducation-through-labor camps are Falun Gong adherents. Hundreds of Falun Gong adherents were also incarcerated in legal education centers, a form of administrative detention, upon completion of their reeducation-through-labor sentences. According to the Falun Gong, hundreds of its practitioners have been confined to psychiatric institutions and forced to take medications or undergo electric shock treatment against their will. These abuses against Falun Gong are a gauge of how suspiciously the PRC views spiritual activity that it cannot control.

I'm also well aware of the problems of the Catholic Church in China, especially in Hebei, where an estimated half of the country's Catholics reside. The PRC has given many reasons why it will not move forward on dialogues with the Holy See. Ranging from asking the Vatican to apologize for naming Chinese saints, to stating that the Vatican's relations with Taiwan are a block, to claiming that the next move is up to the Vatican, all along the PRC has been adamantly opposed to the Holy See exercising its official authority to choose Church leadership in China. We strongly support the right of individuals to affiliate with the Church of their choosing, without governmental interference, and I look forward to hearing more about the current state of affairs with China during my visit here this week.

Roman Catholics who are faithful to the Vatican suffer in China. In Hebei Province, authorities reportedly have forced underground priests and believers to choose between joining the official Church or facing punishment such as fines, job loss, periodic detentions, and having their children barred from school. Some practitioners have gone into hiding, we hear of numerous detentions of clergy, including three bishops from Hebei just this year, as well as other clergy and faithful throughout the country. According to several nongovernmental organizations (NGOs), a number of Catholic priests and lay leaders were beaten or otherwise abused during the period covered by this report.

The Department of State and our embassy and consulates in China make every effort to encourage greater religious freedom in the country, using both focused external pressure on abuses and support for positive trends within the country. We consistently urge both central and local authorities to respect citizens' rights to religious freedom and release all those serving prison sentences for religious activities. We protest vigorously against religious harassment or discrimination, and we request information in cases of alleged mistreatment in which the facts were incomplete or contradictory. At the same time, high-level U.S. officials argue to the country's leaders that freedom of religion can strengthen, not harm, the country. In December 2003, President Bush met with Premier Wen Jiabao in Washington and publicly called for greater religious tolerance.

This year, the Assistant Secretary of State for Democracy, Human Rights, and Labor traveled to the country to discuss human rights and religious freedom issues with the Chinese Government. Three delegations of staff members of the Bureau of Democracy, Human Rights and Labor, and one from the Office for International Religious Freedom, also traveled to the country to discuss religious freedom issues.

Our delegations travel as widely as they are able in China, frequently requesting to go outside Beijing and Shanghai to less-trodden places such as Xinjiang and Tibet to discuss religious freedom. They meet with Government officials responsible for religion, and with clergy or practitioners in official and unofficial religious groups.

Our relations with China on human rights are not at a high point. Due to lack of progress in our high-level official Dialogue on human rights, we opted to halt this event until the Chinese are ready to fulfill previous commitments for progress. Here, we dif-

fer with our colleagues in other countries, who see value in dialogue without action. As a result of the poor situation in China and the lack of sufficient progress, the United States sponsored a resolution against China at the U.N. Commission on Human Rights in Geneva in March. In retaliation, the Chinese have cut off discussion at the working level – a situation that is just beginning to thaw. A member of my staff will be in China next week, to explore resuming discussions.

### *Sudan*

Turning to Sudan, the crises there are a major priority for the United States on the grounds of both security and humanitarian reasons. We first designated Sudan as a CPC in 1999, and it has remained on the list ever since. The long term suffering of Christian southerners, who have been affected by one civil war or another for the past twenty years, has exacted a toll of over 2 million lives. Currently we are working against the genocide in Darfur, which our investigations have shown is clearly backed by elements within the Government of Sudan. Our ultimate goal in Sudan is to promote both a political solution to the crises, in large part by providing support to other African Union countries who want to take responsibility for both pressing the Government to move forward with a peaceful solution, and for monitoring and protecting camps for refugees and internally displaced persons. We have provided over \$20 million to the expanded AU mission, and more will be forthcoming. In the meantime, we have responded to the horrific suffering by providing, to date, over \$300 million in humanitarian assistance just in Darfur. We are a leader in the international commitment to support a successful conclusion to the separate North-South peace process.

Meanwhile, the Government continues to attempt to impose “Shari’a” law on non-Muslims in some parts of the country, and non-Muslims face discrimination and restrictions on the practice of their faith. Applications to build mosques generally are granted; however, the process for applications to build churches is more difficult. Claiming that local restrictions prohibit building places of worship in residential neighbourhoods, the Guidance and Endowment Minister has so effectively closed the door to the issuance of building permits to most non-Muslim religious groups that it appears that the last permit was issued in 1975. Many non-Muslims state they are treated as second-class citizens and discriminated against in government jobs and contracts. In the three Darfur states, a war between government-supported Arab Muslim militias and African Muslims continues. This conflict is primarily a ethnic and racial one, and not a religion-based conflict, but it is important that the United States Government has concluded that genocide has taken place in Darfur, and President Bush has called on the government of Sudan to honor the cease-fire and to stop the genocide in Darfur. We have made it clear that Darfur must be resolved before there can be full normalization of relations with the United States.

### *Burma*

Like China and Sudan, in Burma, the regime’s high level of overall repression includes severe violations of religious freedom. Some religious leaders, including a number of Buddhist monks, are imprisoned, and some Christian clergy face arrest and the destruction of their churches. The Government has destroyed some mosques, and Muslims face considerable discrimination, including occasional state-orchestrated or tolerated violence.

In a particularly egregious example, the Government has been attempting to coerce members of the Christian Chin ethnic minority to convert to Buddhism and prevent Chin from proselytizing by, among other things, arresting and physically abusing Christian clergy and destroying churches. This is particularly disturbing when it touches on children. Chin leaders reported that in December 2003, during a visit to Chin State of Prime Minister Khin Nyunt, primary- and middle-school Christian children were forced to perform a Buddhist ritual in his honor. While it could not be independently verified, the Chin Human Rights Organization reported the January 2003 escape of five Chin children who had been forcibly placed in a Buddhist monastery.

Our Embassy staff has offered support to local NGOs and religious leaders and acted as a conduit for information exchange with otherwise isolated human rights NGOs and religious leaders. I'm happy to say that we offered educational advice and assistance to human resource training programs run by the Catholic Church.

But our strongest reaction to the abuses of the Burmese regime to date has been the passage of the Burmese Freedom and Democracy Act last year, and President Bush's accompanying Executive Order. Previously, the U.S. Government had discontinued bilateral aid to the Burmese Government, suspended the export of arms to the country, and suspended the generalized system of preferences and Export Import Bank financial services in support of U.S. exports to the country. New investment in the country by U.S. citizens has been illegal since 1997.

With the Burmese Freedom and Democracy Act, we imposed new sanctions that included banning the importation of products from Burma into the U.S., and the export of financial services from the United States. This has had the effect of making it virtually impossible for banks to use dollars in Burma. We also suspended all Overseas Private Investment Corporation financial services in support of U.S. investment, halted issuance of visas to high government officials and their immediate family members, and froze SPDC assets in the United States. We now oppose all assistance to the Burmese Government by international financial institutions and urge the governments of other countries to take similar actions.

We see no signs that the Burmese regime is ready to make progress on religious freedom or any other area of human rights and democracy. We do not want to support this regime in any way, even indirectly through trade.

### *Eritrea*

In the last part of my remarks, I'd like to address our designation of three new Countries of Particular Concern: Eritrea, Vietnam, and Saudi Arabia. By law, my office has 180 days to discuss and recommend sanctions on CPCs. Particularly with new CPCs, we are determined to spend this time working hard with the governments of these countries to suggest specific actions they could take to show progress on religious freedom, that would be significant enough that we could waive sanctions. Our goal, after all, is not to sanction for the sake of sanctioning; our goal is to advance freedom of religion.

In Eritrea, the government in 2002 shut down all religious activity outside of four officially recognized groups. All independent religious groups have been forced to close, and over 200 Protestant Christians and Jehovah's Witnesses remain imprisoned for their faith. Some reportedly have been subjected to severe torture and pressured to renounce their faith, and many others have been detained and interrogated.

We appreciate the Eritrean Catholic Church's courageous stand on the issue of religious tolerance for all faiths. I especially recall the Bishops' Pastoral Letter of 2001 which spoke out for human rights, the dignity of the human person, and social justice.

Our Ambassador and other Embassy officers have raised the cases of detentions and restrictions on sanctioned religious groups with government officials in the President's Office, the Ministry of Foreign Affairs, the Ministry of Justice and the leaders of the sole legal party, the People's Front for Democracy and Justice. I have met with senior Eritrean officials, as have our ambassador, the Assistant Secretary for African Affairs, and other State Department officers, and we have all vigorously pressed them to release religious prisoners, and permit closed churches to re-open.

Unfortunately, our considerable efforts did not yield positive results, and Secretary Powell found it necessary to designate the Government of Eritrea a CPC. We continue to lobby the Eritrean government to release religious prisoners and reopen closed churches, and are discussing what steps to take if insufficient progress is made within our 180-day decision deadline.

### *Saudi Arabia*

In Saudi Arabia, as we have stated for many years, religious freedom does not exist. The Government rigidly mandates religious conformity. Non-Wahhabi Sunni, Shi'a, and Sufi Muslims face discrimination and sometimes severe restrictions on the practice of their faith. A number of leaders from these traditions have been arrested and imprisoned.

The Government prohibits public non-Muslim religious activities. Non-Muslim worshippers risk arrest, imprisonment, or deportation for engaging in religious activity that attracts official attention.

Secretary Powell's decision to designate Saudi Arabia a CPC was based largely on the fact that, despite our intensive diplomatic efforts to engage Saudi officials on religious freedom matters of great concern, the Saudi government's response has been disappointing.

There have been frequent instances in which mosque preachers, whose salaries were paid by the government, used violent language against non-Sunni Muslims and other religions in their sermons. While we believe that the Government of Saudi Arabia's restrictions on religious charities have reduced the export of religiously intolerant ideas abroad, much more can be done.

My staff and I have made multiple visits to Saudi Arabia to meet with senior government officials and press for improvements, and our Ambassador to Saudi Arabia has raised religious freedom concerns with a wide range of senior Government and religious leaders. We have called on the Government to enforce its public commitment to allow private religious practice and to respect the rights of Muslims who do not follow the state-sanctioned Wahhabi tradition of Islam.

I understand that there may be well over half a million Catholics resident in the Kingdom, primarily guest workers from the Philippines and other countries. Despite this, there are no church buildings in the entire country, and I appreciate that lack of access to a priest poses significant problems for this community and others in the practice of their faiths. In Riyadh, I have met with and encouraged other Ambassadors to bring in visiting priests under diplomatic cover, which we understand the Saudis will continue to tolerate.

But the long-term solution for Saudi Arabia, which will bring increased stability and international respect, is to open the society to different forms of worship and promote tolerance and respect for religious freedom. We continue to work toward this goal.

### *Vietnam*

Vietnam was a more complicated CPC case than either Eritrea or Saudi Arabia. Since November 2002, senior United States officials have repeatedly cautioned Vietnamese officials of the possibility that Vietnam might be named a Country of Particular Concern (CPC). We have consistently presented Vietnam with a list of specific actions necessary to avoid designation, including:

- Releasing a significant number of religious prisoners and detainees,
- Issuing a nation-wide decree banning forced renunciations of faith,
- Ending the physical abuse of religious believers, and holding accountable local officials who violate this policy, and
- Allowing the re-opening and registration of the hundreds of churches closed in the Central Highlands.

While our calls have led to some improvements, these fell short of what was deemed necessary to avoid CPC designation. In Vietnam, a number of religious believers remain imprisoned, including members of the Buddhist, Catholic, Protestant, Hoa Hao, and Cao Dai faiths. Just last week, the Government of Vietnam created an international incident when it prevented the Honorable Thich Quang Do, deputy head of the United Buddhist Church of Vietnam, from visiting the church's elderly patriarch, Thich Huyen Quang, who was hospitalized in serious condition. Governments around the world, including my own, protested this extreme restriction against the monk, who has been under unofficial pagoda arrest many times, most recently since October of last year.

Hundreds of churches and places of worship in the Central Highlands were shut down following ethnic unrest in 2001, and only a small number have been permitted to reopen. There have been credible reports for several years that officials have continued to pressure many ethnic minority Protestants to recant their faith, usually unsuccessfully. Some have been subjected to physical abuse, and one Protestant leader in the Northwest Highlands reportedly was beaten to death in 2003 for refusing to recant his faith. On November 12 of this year, several members of the Vietnam Mennonite Church, including its Vice-President Pastor Quang, were sentenced to prison for practicing their faith.

Vietnam has been a high priority for me almost since I walked in the door. The first trip I made as Ambassador-at-Large was to Vietnam, followed by another visit last year, as well as three visits by my staff. I have met with numerous Government officials, both here and in Vietnam. In addition, the U.S. Government's concerns about religious freedom have been raised by Secretary Powell and other senior Administration officials.

The highest priority prisoner case for any faith that we have pressed in Vietnam is Father Nguyen Van Ly. We feel a special responsibility to advocate for him, since he was sentenced to 15 years in prison for trying to submit testimony to the U.S. Commission on International Religious Freedom. After our strong protests, his sentence was reduced first to 10 years and later to 5 years in 2003. Father Ly is currently scheduled for release in May 2006, but our discussions with the GVN suggest that there may be hope for his amnesty in the coming year.

We believe that Vietnamese leaders and officials increasingly understand the importance that the United States attaches to freedom of religion and respect for human rights. It is difficult, however, to quantify what impact our interventions may have had on the specific situations in the Central and Northwest Highlands. Local officials are particularly prone to harass non-recognized religions in these minority areas.

However, churches report that the Government has allowed the re-opening and registration of some churches there, and GVN officials also have indicated to us that they are planning to allow training courses for unlicensed preachers, are considered applications to open new congregations, and have recently provided land to two congregations to construct new churches. The government is also encouraging groups of worshippers with too few members to create an official congregation nonetheless to register their places of worship.

We hope that the intentions of the GVN will be clarified with the release of implementing regulations for the new Ordinance on Belief and Religion. Though the Ordinance reiterates the principle of government control and oversight of religious organizations, many activities, including promotion and transfer of clergy and annual activities of religious groups, appear to be held under the new ordinance to the lower standard of "registration" with the Government, rather than approval. We are pressing the GVN to include in these implementing regulations a clear statement that forced renunciation of faith is illegal, and that local officials who continue with this practice will be prosecuted.

### *Conclusion*

In conclusion, promoting religious freedom is a part of our nation's role in the world in which we can all take pride. As I'm sure some of you can attest from your own travels, it is an endeavor that brings us both goodwill and bad across the globe. Many religious believers overseas regularly thank our diplomats for the priority that our government devotes to their plight. They find it remarkable that the United States gives such attention to religious freedom, and they encourage us to persevere in our efforts.

I have spent most of my professional life devoted to the ideal that religious freedom is the inalienable right of all humanity, and it has been my distinct honor to serve as America's second Ambassador-at-Large for International Religious Freedom.

Again, I offer my sincere thanks to each of you for your commitment to insuring freedom of thought, conscience, and religion for every individual, in every nation and society around the world. I look forward to continuing to work with you on behalf of religious freedom, and I'd be pleased to take any questions you may have.

# Non-governmental Organizations: The Leading Force in Promoting Religious Freedom

Joseph K. Grieboski  
Founder and President  
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It is indeed a great honor and pleasure for me to be with you today in the hallowed halls of the Pontifical Gregorian University. As the product of twelve years of Jesuit education, I have come to regard the Gregorian as the pinnacle of Catholic, and especially Jesuit, education – something certainly instilled in me by my many years of interaction with and respect for the Society of Jesus.

It is through the influence of my classical and traditional Catholic and Jesuit education that I understand that good things happen in history when the will of believing people is channeled and directed towards the ideals of freedom, justice, and equality for all. More importantly, I learned that religious freedom is the foundational freedom. Without freedom of religion and belief, there is no freedom of speech, as believers cannot communicate publicly their most fundamental beliefs; there is no freedom of the press, as believers cannot print and share their beliefs with others; and there is no freedom of assembly, as like-minded believers cannot meet to share their beliefs and worship their Creator according to the dictates of their minds, hearts, and consciences.

Religions, now more than any time in the modern era, play a more integral role in contemporary global affairs and are increasingly being perceived with a sense of urgency. Human rights and religious freedom need to become the basis of a new political ideology of harmony and mutual understanding which needs to take shape and become the energizing concept for public action in this twenty-first century.

In Central Asia, China, the Indian sub-continent, the Middle East and elsewhere, the actions of individuals and institutions – both secular and religious – serve to empower radicals by encouraging threatening behavior hostile to religious freedom.

A religion's recognition of the necessity of freedom of religion and belief indicates the theological centrality that every individual has value and worth. In truth, religious freedom can be found at the heart of the basic beliefs and theologies of every true major global faith. For a body of faith to be defined as a religion, it holds that it has a monopoly on Truth and Salvation. If a religion believes – as they all must – that Truth exists, they must also recognize that in order to *grasp* that Truth, an individual must be free to *pursue* it. This freedom of course is not without limits, as an individual must form and inform his conscience in the pursuit of Truth. However, without the freedom to pursue Truth according to the dictates of one's mind, heart, and conscience, an individual is the victim of religious tyranny dictated through state or other mechanisms and is not a lover and follower of God in true religious devotion or fervor.

In turn, religious freedom, which men require as necessary to fulfill this duty to worship God, has to do with immunity from coercion in civil society.

The human person has a right to religious freedom. This freedom means that all men are to be immune from coercion by individuals, groups, institutions or by any organized or ideological forms of power, in such ways that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, alone or in association with others, within due limits.

The right to religious freedom, as enunciated by the Second Vatican Council, “has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.” This right of the human person to religious freedom is to be recognized and upheld in a state’s constitutional law and judicial system whereby society is governed and legally upheld, and thus it is to become a civil right.

In many countries with religious minorities, the most that is thought to be achievable is a commitment to religious tolerance. True religious freedom, however, is more than mere tolerance. It constitutes an embracing of universal human dignity because of – rather than in spite of – one’s religious convictions. The great project of the 21st century is to encourage and empower all religious communities – especially Muslims – who have this view, i.e., that adapting to non-Muslim religions within Islamic societies is not a compromise of Islam but a deepening and clarifying of it. Islam wields a sword. Shall it be only the sword that thrusts outward to cut off the ears of its perceived enemies, or the sword that pierces inward to remove that which tears at truth in Islam?

The great tragedy is that the torch of sacrifice and truth to be found in Islam has been snatched from the hands of those who should bear it aloft, and is instead carried high by the enemies of truth and freedom. The so-to-say “fires of apostolic zeal” alive and well in all faiths has been stolen from the altars of God and now burn as an inferno in those who grind the altars into dust. We are in fact destined for another war, but not the clash of civilizations to which is so often referred. We are destined for a war against false freedoms – civil and religious – which endanger our true and divine freedom.

However, this cannot be limited exclusively to Islam, as other religious traditions are susceptible to the kinds of intolerance that lead to violence. We see this, for example, in the recent rise of Hindu nationalism in India, and growing religious tensions in Western and Eastern Europe, Central Asia, Africa, and around the globe.

Among those at the forefront of the fight to preserve and promote the fundamental right of religious freedom are nongovernmental organizations (NGOs). NGOs have become increasingly influential in world affairs. They are respected by governments as well as international organizations like the United Nations which has created associative status for them. There are now tens of thousands of non-governmental organizations in the world, operating in most countries. These organizations are not directly affiliated with any national government but often have a significant impact on the social, economic and political activity of the country or region involved.

The World Bank defines NGOs as “private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development” (Operational Directive 14.70). In wider usage, the term NGO can be applied to any non-profit organization which is independent from government. NGOs are typically value-based organizations which depend, in whole or in part, on charitable donations and voluntary service. Al-

though the NGO sector has become increasingly professionalized over the last two decades, principles of altruism and voluntarism remain key defining characteristics.

NGOs – far more than any government or even parliament – represent the deepest interests and concerns of individuals, particularly membership organizations to which hundreds or even thousands of individuals belong because of the particular interest, issue, concern, or cause advocated and stressed by the organization. This is especially true of religiously-affiliated NGOs, which represent in the public sphere not only the personal interests of their members but also the social teachings of a particular religion or faith. Religiously-affiliated NGOs were leaders in the fight to incorporate religious freedom into overall US foreign policy with the drafting and ultimate adoption of the International Religious Freedom Act of 1998 (known as IRFA). I must emphasize here that without the activism of John Hanford, who now serves as the U.S. Ambassador-at-Large for International Religious Freedom, IRFA would never have existed.

Religiously-affiliated NGOs rely upon the support and resources of faith communities to advance causes at the heart of the faith. These causes range from religious freedom to human trafficking to international development to the fight against the AIDS virus, among other issues. These NGOs consist of men and women truly committed to their faith and filled with a desire to “do good” and help the suffering. In the United States, we very often find, however, that these same religiously-affiliated NGOs are wracked with great obstacles to find effective resolutions to religious freedom crises overseas.

Religiously-affiliated NGOs tend to be the loudest and most active, particularly in reference to the question of international religious freedom, as it is their co-religionists who are suffering discrimination, persecution, torture, and death overseas. They are called – at least those groups which are Christian – by a spiritual desire to aid their brothers and sisters in Christ in their time of martyrdom. As we all know, a desire to act and the ability to do so are not always the same.

NGOs in general -- and in the religious freedom advocacy field in particular – play a tremendously important role in the gathering of intelligence and information, dissemination of said information to policymakers, religious leaders, other NGOs, and the general public, as well as in the formation of policy to advance the cause of freedom. NGOs must understand the core competency of their respective organizations and consequently learn to work in tandem in order to advance religious freedom globally. For example, Reverend Bernardo Cervellera, from whom you will hear later, is an invaluable source of first-rate, primary information on religious discrimination and persecution in Asia. His news reports serve as either confirmations of reports we have already received or as primary information which we can then use as a foundation for our work. From his reports and our consequent communications with parties on the ground, the Institute on Religion and Public Policy can to an even greater extent press for freedom and liberty of the soul. As an NGO executive, I must be painfully aware of the capabilities and modalities of my organization, rather than have an idealistic view that my organization is an island of religious freedom activity all to itself.

The Institute on Religion and Public Policy, which I founded in May 1999, does not focus on the religious freedom question from the human rights standpoint alone. Instead, we approach religious freedom as a barometer of democratization and as an arrow in the quiver of national and international security.

A government’s guarantee of freedom of religion indicates acceptance of the premise of democracy: that every individual has value and worth, and that the state is consti-

tuted to serve society, not vice versa. It is in this sense that freedom of religion serves as the cornerstone of democracy.

A guarantee of religious freedom also supports the other fundamental rights necessary to democracy: because it is grounded in the universal dignity of the human person, religious freedom encourages other related rights. A government that denies the right to freedom of religion and belief is far more likely to deny other rights central to human dignity, such as freedom from torture or murder; the reverse is also true. Freedom of religion and belief is also closely connected to other civil and political rights necessary to democracy. Religious individuals and groups need and deserve freedom of speech, freedom of assembly, and the right to be secure in their homes from unwarranted government intrusion.

Further, promoting freedom of religion and belief globally is vital to national and international security in two ways. First, it promotes democracy and therefore strengthens internal and regional stability, and encourages economic prosperity. Second, it helps fight the war on religion-based terrorism. I am not aware of a single regime anywhere in the world that both respects religious freedom and poses a security threat to another state.

Where freedom of religion and belief is protected by governments and valued by citizens, religion-based terrorism will not take root. It may take advantage of an open society, but sustained support will not emerge. In this sense, freedom of religion is an antidote to terrorism, especially religion-based terrorism, because it encourages a theological and political awareness of the need to accept the “other.” As His Holiness Pope John Paul II has stated, “To discriminate against religious beliefs, or to discredit religious practice, is exclusion contrary to respect for fundamental human dignity that will eventually destabilize society by creating a climate of tension, intolerance, opposition, and suspicion not conducive to social peace.”

It is indeed a fine and fragile balance that needs to be maintained between a state’s secular nature and the positive role of believers in public life. To avoid such a twist is as necessary as it is to prevent the misuse of the concept of freedom. This corresponds, among other things, to the demands of a healthy pluralism and contributes to the building up of authentic democracy.

The security dilemma caused by a lack of religious freedom is amplified when religious repression and lack of religious freedom serve as an impetus for acts of violence and even terrorism by targeted religious minorities. These acts against the government are not and can never be justified, but may seem to the perpetrators as the only recourse to a regime that represses their fundamental rights.

Mass movements of populations across borders as a response to religious discrimination and persecution potentially become a security threat to states neighboring a religiously repressive state. This can grow to be a true security dilemma if the religiously repressive regime chooses to use force against religious minorities. While the situation in North Korea is horrific all the way around, the treatment of North Korean refugees by Chinese authorities provides an adequate example of concern for such an issue, as does the entire case of the genocide in Sudan.

Denial of the fundamental right of religious freedom can indeed directly impact the state’s own security. The respect of every expression of religious freedom is, therefore, an effective means for guaranteeing security and stability within a state.

On the whole, the Institute on Religion and Public Policy does not focus its energies on individual cases of religious discrimination or persecution. There are many

other more qualified and capable organizations, such as the eminent Becket Fund whose founder and chairman you heard earlier, who can provide support and assistance to prisoners of conscience and victims of state-sponsored religious discrimination. Instead, the Institute recognizes individual cases as an indication of a systemic problem. Our approach is to work with governmental institutions, NGOs, majority and minority faiths, international organizations, and the United States Government in order to resolve the systemic problems in a particular state or region.

Because of the wide variety of differences in culture, history, belief, and governance globally, the Institute does not apply a cookie-cutter approach to the religious freedom situation in a country. Our methodology is to work directly with those affecting and affected by potential or actual discrimination and persecution. I think it is very important for me to mention here that one will never hear representatives of the Institute on Religion and Public Policy discuss the First Amendment of the American Constitution as a model for free exercise and freedom of religion in another state. In spite of the lofty ideals encribed in the First Amendment and the unwavering support of the Institute for its application, it does not and can not be applied in toto across the board to other states and in all historic circumstances. Unfortunately, this is a grave misunderstanding applied by some in the religious freedom community in the United States.

While non-governmental organizations are, by nature, outside government, it is vitally important for NGOs in the religious freedom arena to be actively and regularly engaged with governmental structures and institutions at home and abroad. By their nature, NGOs reflect the will of members and supporters in ways that governments do not. As a result, NGOs have a significant representative authority in their communications with states and state institutions. As mentioned earlier, the influence of NGOs has grown significantly greater over the last two decades. The extent of open communication and cooperation that exists – or does not exist – between governmental institutions and NGOs will determine both the success of the campaign of the NGO and the ability of states to achieve their vital interest goals.

Very often, NGOs consider themselves the “consciences” of state structures, holding them to a standard of ethical and moral behavior in one arena or the other. Many examples exist globally of the necessity of religious freedom organizations such as the Institute to place itself in an oppositional stance to government structures or policies in one state or region or another. The Institute has found itself in serious opposition to government decrees in Belarus, India, Pakistan, France, China, Sudan, and several other states. However, we do not believe that opposition is enemy. Human rights and religious freedom violations have been occurring in, for example, Sudan and China at incomprehensible levels for many years. While the Institute has publicly opposed government policies in these states which have directly or indirectly led to the abuses of fundamental freedoms and rights, we have also explored and engaged in dialogue with these states and their institutions.

One highly successful project of the Institute on Religion and Public Policy that has permitted such engagement is the *Interparliamentary Conference on Human Rights and Religious Freedom*. Once a year, the Institute gathers delegations of members of national and supranational parliaments to discuss human rights and religious freedom from the shared background and perspective of parliamentarians. The Interparliamentary Conference, of which the Institute serves as secretariat, permits lawmakers from around the globe to communicate with one another, with NGOs, with religious leaders and groups,

in order to further the understanding and role of religious freedom from the legislative standpoint. Such engagement permits legislators to understand more directly and fully the impact that their decisions on religious expression and practice have globally. Further, the involvement of NGOs and religious communities with the parliamentarians, and the unique networking established through the Institute as secretariat, permits legislators, and consequently parliaments, to become actively involved in advancing and developing religious freedom not only in their own respective states, but also in other states around the globe. The Interparliamentary Conference as a body has effected positive change in many countries around the globe thanks to this approach.

The Interparliamentary Conference is also an example of another step necessary for NGOs to take in the struggle to advance religious freedom globally: innovation. Religious freedom is not a new political concept: it has developed and broadened considerably since the 1700s. Today, however, religious freedom is often sidelined as what many American policymakers call a “soft issue,” and not given appropriate attention by policymakers despite the importance it plays in so many arenas. Religious freedom advocates must constantly compete with other issues of the day to gain resources, attention, and influence to remain effective and keep the issue alive and before policymakers and the general public. Innovation in thinking, operation, approach, and marketing of the issue of religious freedom is necessary to reach the largest number of religious leaders, policymakers, media, and the general public as possible.

While this may seem to be a Madison Avenue approach to a fundamental issue, such innovation and creativeness in approach and networking also weilds tremendous results in recruiting new segments of the population into knowledge about religious freedom if not involvement in the cause itself. Beyond the Interparliamentary Conference on Human Rights and Religious Freedom, the Institute has developed several other programs to engage governments, business leaders, educational institutions and others in the cause of advancing freedom of faith.

Creating consistent Corporate Social Responsibility (CSR) internationally must begin with a consistent and clear education in issues of culture and religion present in areas of new growth. Such an education would preempt local security risks involving issues of religion and culture, help foster regional economic and political stability, prevent embarrassing international investments, and allow Multi-National Corporations (MNCs) to retain the image of conscientious international corporations in the eyes of their home countries and investors. Consequently, the Institute has established a *Corporate Social Responsibility* program to educate business leaders on the possibility of advancing religious freedom in a particular area, country, or region while not losing sight of their bottom line. The most frequently given response to the question of CSR by American and European companies is the assurance that the jobs created in developing countries establish a higher standard of living for employees. Creating jobs alone, however, does not provide long-term stability and may often backfire on companies that enter the developing world with no knowledge of regional or state-wide instability. Participation in a CSR education program involving cultural and religious education would allow companies to keep their promise of foreign development and positively affect regions badly in need of economic and political stability and growth. Companies could come full circle from the low-points in corporate responsibility evidenced by scandals in America involving MNCs and would evidence to their home countries, their investors, their employees, and their customers that they are interested in long-term growth internationally.

Freedom of thought and belief is critical to the academic enterprise as well. Institutions of higher learning constitute a deep well of interest and concern for the protection of the rights of the oppressed around the world. Concern, however, is not always enough. The Institute on Religion and Public Policy recently launched the *International Consortium on Religious Freedom* as a vehicle for students, faculty and academic leaders to contribute more directly to the understanding and resolution of the struggle for freedom around the world. The International Consortium on Religious Freedom is a collaborative forum and network through which universities, colleges, and other institutions from around the globe can participate in the research, development, promotion, and encouragement of cooperation between religion, ethics and morality, and government, politics, and policy in both the domestic and foreign arenas. In particular, the consortium will work together to study and promote the fundamental right of freedom of religion and belief both at home and around the globe.

The Institute's *Communities of Faith in Action* (CFA) program is an international information clearinghouse and advocacy center for the issue of religious freedom worldwide. CFA is non-denominational, non-governmental network of religious communities (parishes, synagogues, mosques), regardless of their particular beliefs, brought together to fight state discrimination against people of faith and their religious institutions. CFA members are united by one belief: that religious freedom is the first freedom of human life and should be respected by all governments. *Communities of Faith in Action* gives flexibility to members: they choose which religious freedom issues they want to support or present to their communities and which events they want to attend, all the while receiving information, support, and guidance from experts in the religious freedom arena through the Institute.

As mentioned earlier, religious freedom impacts directly and indirectly a state's security. In the new contemporary international environment, it is imperative that policymakers grasp the tremendous role played by religion and religious freedom in indigenous national institutions, social and societal structures and networks, immigration, and countless other arenas directly and indirectly affecting a nation's security. As a result, the Institute on Religion and Public Policy has launched the *Center on Religion and Homeland Security* in order to study and work on the intersection between faith and national security, both in and for the United States and countries around the globe.

In today's world, where terrorism is the new evil empire and religious extremism is *the* threatening political ideology, these words of President Ronald Reagan hold as true as they did when he spoke them in his March 8, 1983 speech to the National Association of Evangelicals: "The real crisis we face today is a spiritual one; at root, it is a test of moral will and faith....the source of our strength in the quest for human freedom is not material but spiritual, and because it knows no limitation, it must terrify and ultimately triumph over those who would enslave their fellow man."



# The Second Annual Report of the ACS on Religious Freedom

**Attilio Tamburrini**  
**Director for Italy, Aid to the Church in Need**

## What is the ACS?

The association established under pontifical law, “Aid to the Church in Need,” currently has national offices in operation in 11 countries of Western Europe, as well as two in South America, plus the USA, Canada and Australia and, only recently, Poland. The task of the national associations is to gather information on the needs of persecuted and suffering churches, together with their respective local public opinions, while promoting prayer campaigns in support of persecuted and needy brothers and, finally, collecting funds to subsidise their needs.

This ‘chain of love’ annually mobilizes almost half a million benefactors, collecting an average of seventy million euros, without government funding, but merely through the donations of private citizens.

The approach that makes the work of the Association ‘atypical’ in today’s world is that it focuses, first and foremost, on the pastoral needs of the Church. The so-called humanitarian aid is a consequence, being increasingly geared towards facilitating the key mission of the Church, evangelisation, in the conviction that “the rest shall be given in abundance,” as was promised to us.

In concrete terms, its aid is directed primarily at favouring the training of both the clergy and, in more general terms, teachers of catechism, in addition to restructuring or building from scratch places of worship and gathering or Christian communities, supplying the vehicles needed to cover the territory of the parish or the mission and supporting the clergy and nuns, with special attention for cloistered sisters.

## *History*

This grand ‘multinational of charity’, as some have referred to the Association, was founded in 1947, thanks to a man – a monk by vocation – whom Providence used according to plans which he himself might never have imagined at the moment he took his religious vows in the Norbertine abbey of Tongerlo in Belgium.

After a visit to the refugee camps in Germany and encouraged by his abbot, at the request of Pope Pious XII, the founder Father Werenfried van Straaten, wrote an article for the abbacy’s review entitled *No Room at the Inn*, drawing attention to the dramatic situation of the 16 million German refugees fleeing the newly established East Germany. Father Werenfried launched an appeal, asking that, in a spirit of charity and reconciliation, aid be given to “yesterday’s enemies.”

The collection of aid was begun in Belgium and Holland: food, clothing and lard reached the refugees and the Catholic priests caring for them. The tons of bacon col-

lected door-to-door earned Father Werenfried the nickname of the “Bacon Father.” In addition, 3,000 priests were equipped with motorcycles and cars for the performance of their pastoral service amidst the refugees.

In 1950, the “Flying Chapels” project was initiated, with a number of charter buses being transformed into chapels on wheels to allow priests to reach the communities, celebrate the liturgy in a dignified fashion, provide the sacraments and distribute relief materials. Even in these early efforts – not carefully planned, but brought into being to meet pressing needs – we can see the core of the approach that the Association was to follow in its subsequent development.

In 1952, during a conference held in Königstein, Germany, 150 representatives of 18 nations provided dramatic testimony on the state of the Church beyond the Iron Curtain. Founded in 1947, under the name of “Aid to the Priests of the East,” the Association then became “Aid to the Persecuted Church.”

From that moment forward, we can summarise the key events in a process of development that has moved forward without interruption. Wherever there is persecution, wherever the Church suffers on account of poverty or situations of conflict, Father Werenfried is on the scene. A review of the work done amounts to a review of the drama of the great persecution of the 20th century. This was declared to be *opportune and importune* in the bimonthly bulletin, “The Echo of Love,” published throughout the free world in seven languages.

In 1956, on the occasion of the grass-roots anti-Communist uprising in Hungary, a major aid effort was undertaken. In rebellious Budapest, Father Werenfried met with the city’s Archbishop Jozef Mindzenty. In 1957, ACS initiated training projects for priests and contemplative sisters in Poland.

In 1961, aid efforts aimed at refugees from China, North Korea and North Vietnam began. In 1965, initiatives to support the Church in Africa were undertaken. In 1968, during the “Prague Spring,” the association sent aid to the persecuted Church in Czechoslovakia. In the years that followed, it supported the so-called “Clandestine Church.”

In 1972, ACS financed the construction of the Cathedral of Nowa Huta in Poland, a building that became a symbol of the religious life of this “Church of Silence.” In 1976, major aid activities in Asia began in favour of the Vietnamese boat people and the refugees of Laos and Cambodia. Initiatives were also undertaken in favour of Thailand, the Philippines and Malaysia. In 1979, the “International Year of the Child,” the Association’s single largest effort was launched: the printing and distribution of “God Talks to His Children.” Today the number of copies of this collection of Biblical texts that have been published is approximately 40 million, with translations in 140 languages and local dialects.

During an international congress held in 1990, the groundwork was laid for new initiatives in favour of the Church’s pastoral activities in Eastern Europe, in support of the immense work of re-evangelisation needing to be done following the moral and spiritual destruction wrought by Communism. In 1992, Father Werenfried and a number of co-workers, made their first public journey to Russia and met with the Orthodox Patriarch Alexius II. Ecumenical initiatives were initiated, which Father Werenfried declared were “meant to bring Catholic and Orthodox worshippers closer, in a spirit of altruism and love, in order to travel together along the path of reconciliation between the two sister churches.” In 1994, aid efforts to persecuted Christians in China were reinforced. In 1997, the Association celebrated the 50th anniversary of its founding with a Mass at

St. Peter's Basilica and an audience with Pope John Paul II. Approximately 2,000 benefactors from throughout the world took part in the Jubilee pilgrimage to Fatima.

In 2001, in response to the recommendations of Pope John Paul II, ACS intensified its efforts in the area of family pastoral activities and in the field of training and service to the new evangelisation. On 31 January 2003, Father Werenfried returned to the House of the Father.

In Castelgandolfo, from September 11 to September 14, 150 staff members of the Association, active throughout the world, participated in the Convention "Father Werenfried: Legacy and Mission," taking an in-depth look at the Founder's calling, from the standpoint of a "creative fidelity" fully in line with his spiritual directives.

### *Why the ACS Devotes its Efforts to Religious Freedom*

The following considerations led the Italian Chapter to produce an annual report on the state of religious freedom, a document free of any political bias: the ongoing need to inform the benefactors of the conditions of persecution and suffering of the Church in the modern world, the information gathered in the field through contact with those who have need of aid, and the fact that is easier to meet with bishops and priests from all over the world.

The first report, turned out in 1998, was practically nothing more than an experiment, with the field of interest limited to countries with Islamic majorities. Later, in light of the positive reception, it was decided to enlarge the scope of the observations to the entire world, with the contents being inspired by an outlook that was neither partial nor antagonistic to any one religious creed.

In selecting the approach to the work, it was decided – both for doctrinal reasons (see the unswerving Papal teachings on the subject) and in order to take advantage of the media opportunities available (the echo and attention in all circles, including lay sectors) – to move beyond the criterion of "*libertas Ecclesiae*," found in all the information publications produced by the Association up to that moment, and instead to focus the research on the principle of "freedom of religion" as a natural right that provides the foundation for the respect of all the other rights of the individual, in line with the development of the Pontifical Teachings, especially during the Pontificate of John Paul II.

Once this approach had been chosen, it was objectively impossible to ignore problems involving even small aggregations, as their absence would render the report unreliable.

### *How the Report Comes into Being*

The Report is based primarily on the work of a group of journalists and scholars whose primary sources are international media with different perspectives, including religious outlooks, as well as publications similar to the Annual Report on Religious Freedom of the U.S. State Department. We have chosen this approach in order to remain as objective as possible, and so that no one can claim that only sources within the Church are utilised, or that the information is biased. Naturally, as is the case in many research centres throughout the world, other research techniques could have been chosen, though they are much costlier.

The document is journalistic in nature, tending to collect the news that has appeared in the press during the year, and which, as we well know, will be forgotten if it is not gathered together and organised. Its usefulness is tied to precisely this element. It is not the result of a series of study conferences.

### *The Structure of the Report*

The write-ups describe events regarding the individual countries, based on the following outline:

- A concise description of the legal status of religious freedom, noting any improvements or setbacks in the course of the year;
- The situation of Catholics;
- The situation of other Christian faiths;
- The situation of other religious communities and creeds.

### *Timing*

The collection and analysis of the sources runs from September to roughly mid-January, while the working group presents the report with the data for the year just ended between February and April, after which the report is edited and distributed, something that has taken place, to date, in the month of June.

The growing attention and echo occasioned by the release of the Report on Religious Freedom in the World sustains our belief that the course chosen back in 1999 was the right one.

When we turned out the first Report, limited to the Islamic area alone, we were convinced that we had performed a valuable service for both the Church and mankind. All the teachings on the subject of religious freedom, so highly developed during the current Pontificate, enabled us to move in the proper direction: “*Respect of religious freedom amounts to a ‘test’ for the guarantee of other fundamental rights.*” Nor do I view it as accidental that it was the Italian Chapter, which perceived this need so intensely. The service we perform in the country where Peter’s Cathedral is located may make us more closely attuned the universal considerations, providing us with a broader view of the world’s problems.

Right from the first Report, it has not been our intention to issue judgements on this or that situation, or to draw up “rankings” of good and bad realities. We have done our best to let the facts speak for themselves. We have limited our reflections, to the greatest extent possible, concentrating on reporting the news, after which readers are free to arrive at their own judgements. But seeing that every sound judgement has need of correct information, we have paid attention to all criticisms, we have weighed each news item, to the best of our ability, well aware of the difficulty of remaining unflinchingly objective and well informed on an issue so involving and extensive.

Over the years the Report has, so to speak, grown right before our eyes, in terms of both the information gathered and the echo it has produced in a wide range of circles. We are well aware that much remains to be done, but we are comforted by the fact that even the little we have managed to achieve has been of aid to those who suffer because they are denied their religious freedom, while those who already enjoy this freedom gain a heightened awareness of their good fortune and the need to jealously protect it.

## *The Echo Obtained in the Media*

Included is a table that can provide a quantitative idea of the echo caused by the presentation to the press of this year's Report for 2004. For those who remember how little interest there once was in our country with regard to such themes, a situation created by a cultural elite essentially hostile to religion, the result is truly worthy of note. Without a doubt, the tragic events of September 11 have heightened attention for religion in general, but the key to the problem may lie in the way the issue is presented, with a collection of a year's worth of events proving more successful than individual news reports when it comes to providing an overview and highlighting the real drama behind violations of religious freedom.

## *Religious Freedom and Public Opinion*

But what we must ask ourselves is: How much of this actually reached the general public? Quite honestly, my answer is rather pessimistic. I believe that little is done from this standpoint. An effort should be made to create more occasions such as the one that the U.S. Embassy to the Holy See has, to its great credit, offered us today. Steps should be taken to encourage academic studies in this sector, and I believe the Pontifical universities could play a significant role in this respect.

As a practising Catholic, I must also say, and with regret, that one sometimes notes a greater sensibility towards the topic in secular circles than among Catholics. How many times have I heard simple parishioners note on the occasion of press conferences at their parish churches: "But why didn't anyone tell us these things before?"

In 2003, for the first time, the Italian Parliament, through the Human Rights Commission, has heard testimony on the suffering and oppression that *today, and not in the last century*, humiliates millions of human beings. For that matter, it is not pessimistic, but merely realistic, to state that politicians, apart from the exceptions which, fortunately, can be found in every walk of life, respond exclusively to the pressure of voters, and I believe that the most worthy task which associations and cultural and religious organisations can perform in this field is to get as much information as possible to the general public, so that the eternal question will be heard loud and clear from the ranks of people everywhere: "*Where is your brother?*"; in response to which, no one, no matter how powerful or powerless, will be able to say without shame "*But I am my brother's keeper.*"



# Freedom of Religion for True Economic Development in China

Bernardo Cervellera, PIME  
Director of *AsiaNews*

Chinese society is in the throes of an unprecedented surge of economic development. Both inside and outside of China the issue of religious freedom tends to be perceived as very much a secondary problem, one that may safely be ignored, because it gives no cause for concern. At the most, those enthused over the modernization of Beijing and Shanghai think that the greater the development of the economy, the more religious freedom there will be. The violence against religious freedom that currently takes place is considered to be nothing more than the tail end of the ideological past of Maoist communism, which, sooner or later, is destined to vanish.

The “tail end”, in and of itself, is still extremely painful. In fact, from a certain point of view, many things in China remain unchanged from the days of Mao:

- Bishops and Tibetan monks are in prison. Some have even disappeared (desaparecidos whose fate is worse than those of Argentina and Chile, given that few worry about what might have happened to them);
- churches or temples have been destroyed or forcibly demolished;
- internet sites are blacked out, pilgrimages prohibited, relations with the outside world controlled or prohibited.

China has always attempted to destroy religions. Only when those in power have felt weak, have they allowed a certain amount of religious expression, rallying the members of different faiths around banners (patriotism, nationalism, socialism, modernization), thanks to which the state grants a small dose of freedom. This practice has led to a distinction between “official” and “non-official” religions, with the selection made by the government, based on the degree to which the different faiths are controlled by the party.

In 1994 the author of the UN’s Special Report on Religious Intolerance, Dr. Abdelfattah Amor of Tunisia, explicitly requested of the Chinese Government, during a visit to the country, that it eliminate this distinction on the grounds that the practice was discriminatory towards worshippers. In effect, China no longer makes such distinctions: followers of the “non-official” faiths – those not under government control – are persecuted as common criminals, people who “conspire against the established order”, or people who threaten public security. In every campaign against prostitution, drugs and criminal activity, followers of religions are arrested as well; during crackdowns against porn sites, religious sites are shut down and blacked out as well.

It is also true that *all* forms of religious expression, even the “official”, recognized ones, though they may not be persecuted, are subject to harsh controls. In the Catholic Church in China, there are bishops subjected to indoctrination for months at a time; other are controlled day and night; the seminaries receive weekly visits from security forces to ensure that Marxist teachings are being learned. The same thing takes place in Buddhist, Tibetan and Taoist monasteries.

## “Helping religions to die”

Naturally, the climate has changed from the period of the Cultural Revolution, when religious images and books were burned, statues were destroyed and religious representatives were tried in public. Today, at least, there are churches and temples that can be visited, and a certain freedom of worship can be expressed, within the narrow limits set by the government. But the party has only changed its tactics in pursuit of a goal that it has never abandoned. This project was articulated in 1982, in the famous Document 19, a secret text made public by *AsiaNews*, in which it was stipulated that, “religions must be helped to die.”

A recently revealed document of the Propaganda Office of the Chinese Communist Party – dated 27 May 2004 and published yesterday in summary form on [www.AsiaNews.it](http://www.AsiaNews.it) – provided party members with instructions on how to “destroy” superstitions and obscurantism while reinforcing the teaching of atheism. The tone and the goals, therefore, remain unchanged.

But the new development is this: the desperate fight put up by the document against the truly unprecedented trend of party members and university students who convert to religions. A similar tendency belies the principle that religions are an obscurantist element that hinder progress and, sooner or later, are destined to be cancelled from history. And it is precisely the leading members of the party, the scientists at the universities and professionals in the commercial sector, who are making contact with religious experience.

This contradicts the contention that religion is a secondary aspect of life in China: indeed, it now involves more than half the Chinese population. Clamping down on freedom of religion means clamping down on the entire population. And not only in “quantitative” terms, but as regards “quality” as well: economic development without religion – as proposed by the party – means development that kills both man and society.

Seen in this light, the oppression affecting religious freedom is nothing more than a sign of the oppression suffered by the Chinese people as a whole.

And the fact that the current structure, with its fair amount of economic freedom and its violent development, oppresses the Chinese people is demonstrated by the price paid by China for this development: deaths in mines; unemployment, retirees without assistance, families without medical care or schools, migrants who work like slaves, young people who live desperate lives and suicides. And then there are the enormous ecological and agricultural problems created by this wild, I would dare to say “unreligious” form of development that has no respect for God, nature or mankind.

## What to do?

1) The international community must realize that religious freedom benefits all of Chinese society. According to the sociologists of the Academy of Social Sciences in Beijing, China is on the verge of a massive, violent social conflict stemming from the uncontrolled development and the gap between the rich and the poor.

Concessions to religious freedom would allow religions to aid in attenuating the countless social problems brought about by this unequal development: the situation in the countryside, the poor, illiteracy and health care. A perfect example is what the sisters of Mother Teresa manage to do among the elderly and abandoned individuals, with the handicapped and troubled youngsters.

Religious freedom would also contribute to attenuating social conflict, with the followers of the religions engaging in efforts to reach reconciliation between the rich and the poor.

This is the direction governments should move in, asking for religious freedom in insistent fashion and not with what amounts to embarrassment and superficiality. But such efforts should also be backed by the international economic community, which has an interest in China being stable and not – as is the case today – rife with clashes, demonstrations, strikes and sit-ins. Settling for freedom of trade alone – in the belief that everything else shall fall into place – is the best way to ensure that China suffers a social conflict more violent than what took place at the time of the Tienanmen massacre.

2) Respect of full religious freedom must occur not only as a concession from the government or the party, but as respect for an inborn right of the individual.

In the diplomatic world there is the temptation to ask Beijing for favors, such as the liberation of a bishop, a dissident or a Tibetan monk, as if they were concessions from on high. In reality, this is not what the very people whose freedom is subject to violence ask of us. During an interview with an official bishop, meaning one recognized by Beijing – and reconciled with the Holy See as well – I was urged to: “Tell them at the Vatican: do not be in a hurry to establish these relations. Remain firm in terms of your principles and needs, demanding respect of total religious freedom, without backing away from any issues. Even on the appointment of bishops. Jiang Zemin [in his speech of December 2001] said that he wanted to draw an increasingly clear distinction between strictly religious affairs and affairs of state. Well, the appointment and consecration of bishops is a strictly sacramental, religious issue. The state should not have anything to do with religious ordinations” (cf. my “*Missione Cina. Viaggio nell’impero fra mercato e repressione*” (“Mission in China. A Journey in the Empire, in a mix of free market and repression”), Milan, 2003, pg. 159).

3) Steps must be taken to reinforce religious freedom, and especially that of Christians. This is not a racist approach or one that calls for privileges; on the contrary, it aims to contribute to the development of China. In fact, the spread of Christianity would make it possible to achieve two very important results:

- a) defuse the myth of the absolute claims of the state, making a precise distinction – one of the typical features of Christianity – between state and Church, as well as between religion and political power;
- b) defuse the myth of the non-religious elements of other religions: it is no secret that religions such as Islam and Tibetan Buddhism do not request mere religious freedom, but are striving for territorial independence and political separatism. Demands for authentic religious freedom would leave Chinese territory intact while setting the groundwork for a dialogue on the possibility of peaceful coexistence between the different ethnic groups (Han, Hui, Tibetan etc.).

4) Steps must be taken to reinforce religious freedom, in the interests of consolidating all human rights. To date the country has undergone a massive transformation: from a Stalinist economy to a wild form of capitalism; from a Confucian paternalism to an anarchic individualism; from an ancestral lifestyle to a super-modern, hyper-developed existence. But the billion and more Chinese who inhabit the country have not yet

gained an awareness of their rights and their dignity, because they have yet to develop a sense and a dignity of the individual human being. A university professor told me a year ago: “We need a philosophy of the individual as an absolute value. But this is impossible without a religious vision of man as a being who is loved and defended by the Absolute”. Religious freedom would also make possible maturation of the rights of association, expression, work, the family, health and information.

# Pontifical Athenaeum ‘Antonianum’

Rev. David-Maria A. Jaeger, OFM

My apologies for arriving late this morning. I returned to Rome only last night after another attempt to persuade a Middle Eastern government [Israel] to give up an eighty-year-old law that bars the courtroom doors to religious organizations in property disputes concerning precisely religious properties, which the outdated law makes into political matters reserved to the executive. Unhappily I was not successful this time, but talks on this will resume next month – God willing and the creeks don’t rise, as we say in Texas....

On a more elevated plane, as it were – allow me to mention, as I invariably do on such occasions, that on 11 December 1993, Pope John Paul, in a seminal address to an academic audience here in Rome, called, in effect, for radical change in Church-State relations in the Middle East: No longer should the Christian communities be considered “protected reservations;” rather, Middle Eastern polities too should recognize and adopt international standards of freedom of religion and conscience, assuring their Christian citizens, and all others, of complete civic equality in their participation in society.

Just a day before that Papal speech, the representatives of the Holy See and of the State of Israel had initialed their “Fundamental Agreement” – which was then signed on 30 December 1993 and entered into force on 10 March 1994. It was the first major step towards translating the Holy Father’s pioneering vision into reality. Later, on 15 February 2000, the Holy See will sign an analogous treaty, called the “Basic Agreement” with neighboring Palestine (or, to put it more formally, the Palestinian Liberation Organization, acting in behalf of the Palestinian Authority). A further step along the same long, hard road.

Both treaties open with the commitment of the State Party to “observe” the human right to freedom of religion and conscience, which is deliberately specified as being set forth in the Universal Declaration of Human Rights, and in the instruments intended to apply it. This is a crucially important specification, of course, to prevent any attempt to redefine religious freedom away from the comprehensive description offered especially by the Universal Declaration’s Article 18.

That the first Middle Eastern State Parties to such agreements with the Catholic Church are Israel and Palestine is significant in a number of ways. Most obviously, these are the nations that share the Holy Land, in which Christians worldwide claim, in a certain true even though admittedly analogical sense, a right of “spiritual citizenship.” Then there is also the striking affinity in that both nations have been shaped by modern national movements that were profoundly secular in origin, only to see in later decades a growth and strengthening of theocratic elements and movements. Within both societies there is in fact a struggle for the nation’s soul, between the original democratic and secular inspiration, on the one hand, and the aspirations of the theocratic (“fundamentalist”) forces, on the other hand.

The Palestinian State is still awaiting its definitive shape, to be achieved in the context of a peace treaty with neighboring Israel, and there should be ample scope for the interna-

tional sponsors of this process to influence benignly the development of its constitutional principles in the direction shown by the “Basic Agreement” with the Holy See.

Israel, of course, has been an independent state for decades now, even though still struggling for peace and security. Its Declaration of Independence, with its solemn promise of “perfect religious freedom” should have sufficed, if it were given constitutional force – which it was not. In effect, its noble ideals have been super-imposed over a system inherited from the Ottoman Empire, which Israel, compelled to focus on its external defense since the very day of its birth, has never got around to doing away with. This inherited system, alien to the spirit and principles of the Declaration of Independence, is moreover strongly supported by the influential theocratic (“fundamentalist”) political parties, which indeed would have liked to extend it further.

It would take far longer than these few minutes to illustrate these tensions and contradictions. Suffice it to say that, as in Ottoman times, the Population Registry classified all persons in Israel according to ultimately state-decreed religious affiliation, whether or not they are believers in that – or in any – religion. This classification carries the consequence that, in extremely important matters, notably the contracting and dissolution of marriage, all persons so classified are subjected to the religious laws and the religious courts of the religion to which they have been assigned. Thus there is no civil marriage, and persons can only marry in Israel in a religious ceremony, whatever their conscientious convictions. If the state classified the couple as belonging to two different religions, there is no way they can legally marry in Israel – which is also the case of those who are not classified as belonging to any of the religions officially recognized by the state. At least a quarter of a million of Israel’s population of 6 million belong in the latter category – according to official data. It goes without saying that, if one of the intending couple belonging to different religions is classified as belonging to the dominant majority religion, the social pressure is intense on the other party to convert to the majority religion.

In fact, there are official policies and structures in place to encourage and facilitate conversion to the majority religion... not something we who are schooled in the First Amendment would think of a proper function of government....

No one is under any illusion that Israel’s “Fundamental Agreement” with the Holy See could by itself decide the vigorous “Kulturkampf” within Israel’s vibrant, dynamic society. We in the Catholic Church have hoped though to make thereby our own modest contribution to the on-going conversation in Israeli society, and more specifically, to helping the democratic strands ultimately prevail and fully realize the promise of the Declaration of Independence.

We are doing so also through the continuing negotiations designed to implement the “Fundamental Agreement” by means of the further treaties that are required to make that agreement itself actually meaningful and practical. Right now, for example, we are trying to achieve a treaty that will recognize and consolidate the tax exemptions – essential to the Church’s survival as a visible institution in Israel – guaranteed by past treaties and mandated by the United Nations. Indeed, the United Nations mandates the preservation of those vital tax exemptions in the very resolution that authorizes the establishment of the State of Israel, a Resolution to which Israel’s own Declaration of Independence relies for the legitimacy of the new State (created “in virtue of” the U.N. Resolution, it says). This new treaty too should guarantee the Church the right of due process in reference to religious property, ending the effects of the eighty year old

statute that would deprive the Church of this most basic right of property ownership, a right unintelligible apart from the right to due process in respect of such property.

It is an obligation of honesty and gratitude to emphasize at this point the decisive role of the United States in ensuring that these negotiations take place at all, and that they continue to make progress. Concretely this means: The White House (the President and his National Security Council), the Department of State, and key members of the Legislature – I must mention at least two whose beneficial interest has already become public knowledge: Chairman Henry Hyde, of the House International Relations Committee, and U.S. Senator Rick Santorum (R.-Pa), but also other U.S. Representatives and Senators of both parties. The continuing interest of these, of the United States, has been shown to be a necessary condition for these negotiations to continue and – God willing – bear fruit. But the role of the U.S. is even far more profound than simply encouraging the Government of Israel to proceed along this path of negotiation and agreement with the Catholic Church. The United States is, for me, the “*analogatum princeps*,” or better still, the “*causa exemplaris*” in the matter of religious freedom. Indeed, I have often had occasion to remind my counterparts in the negotiations, that if we had, in Israel, the ability to rely on an equivalent of the U.S. Constitution and Bill of Rights, we should need nothing further. By both example and diplomatic encouragement, U.S. leadership is required and hoped for, and thanked for, in the continuing effort to make the Holy Father’s vision of liberty and justice the new reality in the relationship between the Church and the State in the two nations into whose care Divine Providence has entrusted the Holy Land.



# Religious Freedom: The Cornerstone of Human Dignity

Daniel A. Madigan SJ

What I would like to do in the short time available to me is to use some particular examples of situations where religious freedom is threatened or denied in order to pinpoint some of the root causes of such problems in various parts of the world.

It is a presupposition of this conference that the right to freedom religion is intimately connected with all other human rights, and so it is.

In order to understand why this is so, not just at the theoretical level but in concrete situations, it is helpful to look carefully at examples of the denial of religious freedom – whether on the part of governments, cultures or societies – to see what other factors lie behind it. I deliberately make that distinction between governments, cultures and societies because in each case we need to be clear where the source of the repression lies and so what remedies might be sought. Some prejudices are so deeply rooted in cultures that governments have little power (whether or not they have the desire) to eradicate them. In some social structures religious differences coincide with class or ethnic differences and so religious conflict is often more an expression of class or ethnic conflict than of irreconcilable beliefs.

An examination of actual situations of religious oppression reveals that such repression is often a surrogate for other factors – xenophobia, isolationism, extreme nationalism, post-colonial political issues, political manipulation for short-term gain.

Let us take the example of Nigeria where from time to time in the northern parts of that federation of 36 states with 250 tribes there are outbreaks of violence between Muslims and Christians, and where Christians fear that the increasing enthusiasm for the imposition of Shari`a law has or will curtail their freedom.

Appeal to the Shari`a is not new in Nigeria. The constitution has always stated that there are three sources of law for the federation: the Common Law tradition, tribal customary law, and the Shari`a. What is new is that for the first time in its modern history Nigeria is seeing a shift of the political power centre from the largely Muslim northerners to the predominantly Christian southern tribal groups. Time does not permit a full analysis of the shifts in the economic and military bases of power over the last half-century.

In such a situation, the political manipulation of religious identity means that the reaction to this national political development is played out on the micro level – northern Christians find themselves under attack at least in part because they are seen as representing the south. Furthermore, the global political situation is also played out at the local level – with northern Nigerian Muslims seeing themselves as representative of an Islam under attack, and their Christian fellow citizens as somehow associated with the attackers.

The elements of the Nigerian situation – ethnic difference, unequal distribution of wealth and resources (especially oil), historical imbalances of political power, endemic corruption in government, post-colonial resentments, international conflicts – all of these come into play in many situations around the world that are often defined as

religious conflicts or repression. It is essential to go behind the religious label on these situations to see the root causes.

There is a world of difference between an explanation and an excuse, though many people confuse the two. All forms of oppression and violence, whether religious, economic, political, or of any other kind, are reprehensible and must be condemned. At the same time, they are not simply irrational acts. They have causes that must be understood in their complexity, if we hold out any hope of dealing with them. A one-size-fits-all solution may in fact exacerbate precisely the problem it is seeking to address. If it is true that religious violence in Northern Nigeria is largely a function of national and global political power shifts, the application of national and global power to resolve the issue may very well result in more repression. Nigeria is not the only place where Muslim-Christian relations are affected by what are seen as a conflict between Islam and the West. Indigenous Christians in many countries are identified as “clients” of Western regimes and so are made to bear the brunt of the negative reactions. The situations are too many even to list, but the situation of Christians in Muslim majority countries becomes every day more dangerous with the escalation of conflict in the Middle East.

A further complexity we face on this question is defining the nature and limits of religious freedom. The Vatican Council document *Dignitatis Humanae* makes explicit a number of times the condition that public order be preserved. Therefore freedom of religious expression and activity is not seen as an absolute right. Archbishop Lajolo underlined this in his speech this morning. However, in many situations where governments limit religious liberty, they appeal to precisely this kind of condition – the need to protect public order, national integrity and security – so they are conditions that can be abused.

Another complexity arises from the definition itself. Are we sure precisely what we are talking about when we speak of religion? What qualifies as a religion? This is a question that has been raised in connection with Scientology, for example, in Germany – a situation much publicized in the U.S. Is it sufficient for a movement to define itself as a religion in order to be entitled to complete freedom for its activities, and to the privileges often accorded by states to religious bodies? In our international agreements and covenants are we not implicitly speaking of freedom of certain kind of religion of which we are in favor? Since this is not spelled out clearly in the agreements, those agreements are weakened in their applicability, and governments, political movements and civil society can hide behind these protected freedoms.

In Malaysia, for example, the desire to institute Shari`a law as widely as possible – something seen as a threat to the pluralist balance of Malaysian politics and society – is sometimes framed in terms of religious freedom. “All we are asking,” says a leader of PAS, the Islamic political party, “Is the freedom to live our lives in accordance with God’s will.”

If it is true that respect for religious freedom is an intrinsic part of respect for human dignity, then the way to promote religious freedom, it seems to me, will be to promote all the other forms of human dignity. We cannot expect that an international economic order which does not respect the dignity of the human being over the unbridled freedom of profit will ever favor religious freedom. We cannot expect that international relations not built on mutual respect, dialogue and consensus will ever contribute to the spread of religious freedom. We cannot expect that anything short of a revolution in our normal ways of doing business and politics at the international level will do justice to and bring about respect for that inviolable human dignity of which religious liberty is an essential element.